

***United States Court of Appeals  
for the Second Circuit***



**APPENDIX**





74-1550

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IN THE  
UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT

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NO. 74-1550

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THE UNITED STATES OF AMERICA,  
  
Plaintiff-Appellee,  
  
-against-  
  
CARMINE TRAMUNTI, et al.,  
  
Defendants-Appellants.

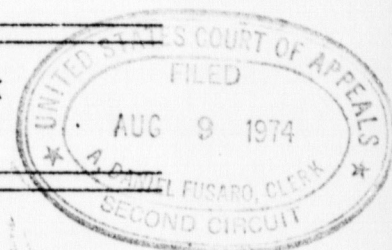
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ON APPEAL FROM THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

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DEFENDANTS-APPELLANTS' JOINT APPENDIX  
Vol. T(5) - Pages 461 to 650

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2 UNITED STATES OF AMERICA

3 vs.

73 Cr. 1099

4 CARMINE TRAMUNTI, et al.

5 New York, February 1, 1974;  
10.00 a.m.

6 Trial resumed.

7 - -

8 (In open court; jury not present.)

9  
10 THE COURT: First, there was some question as  
11 to whether we will be sitting tomorrow. We will not.  
12 This will give defense counsel a further opportunity to  
13 review the tapes and prepare cross-examination.

14 Yes, Mr. Curran.

15 MR. CURRAN: Your Honor, in view of your Honor's  
16 decision not to sit tomorrow the government would respect-  
17 fully ask the Court or urge the Court to consider that  
18 after this weekend during this trial we sit on Saturday  
19 and, if possible, at least part-time on Sunday.

20 THE COURT: I understand.

21 MR. CURRAN: Your Honor, with a sequestered jury --

22 THE COURT: I am well aware of the problems.

23 As for next Saturday, most likely we will sit next Saturday.  
24 However, I indicated to the jury that we would be sitting  
25 on Saturdays. I know that defense counsel have objection.



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I feel that you should have an opportunity to review these  
3 tapes. But I don't want in any way to indicate that to  
4 the jury, the reason why. I don't want in any way to kind  
5 of make any difficulties whatsoever.

6

So if nobody has any objection, I am going to  
7 tell them a white lie. Does anybody have an objection to  
8 that?

9

MR. CURRAN: Your Honor, I think we may have an  
10 objection, because I don't know what the white lie is going  
11 to be.

12

THE COURT: I don't know yet either. I might  
13 indicate that the reason we are taking tomorrow off is for  
14 my benefit rather than anybody else's. Therefore, if  
15 there is any hostility, they will hate me. That's the best  
16 I think I can do. I don't particularly like to be hated  
17 by anybody, but it happens.

18

I think Mr. Lopez goes first, unless you have  
19 something which is a pressing problem.

20

MR. ELLIS: Your Honor, it's moderately pressing  
21 I am due in the Court of Appeals this morning. Mr. Lopez  
22 is going to be looking after Mr. Mamone's interests.  
23 I understand that Mr. Mamone consents to this.

24

If I may, Judge, before I leave, I have one  
25 further application that I would like to put on the record,

1 and that is with respect to the photographs marked for  
2 identification as Government's Exhibits 20 through 20-E.  
3 I don't believe your Honor has ruled on that offer of proof  
4 yet and I would like to say something so that your Honor  
5 does not rule in my absence, that is, I would like to call  
6 the Court's attention to the fact that those photographs  
7 are substantially the same. I believe them to be six  
8 prints of the same photograph, all taken the same day,  
9 and if they are not, the differences are miniscule, so  
10 that the probative value of offering six pictures of that  
11 degree of similarity would be overshadowed by the prejudicial  
12 effect to Mr. Mamone.  
13

14 I would ask your Honor to admit only one of  
15 those photographs if you are inclined to admit any at all.

16 MR. PHILLIPS: Your Honor, these are not six  
17 photographs depicting the same pose or the same scene.  
18 They are six photographs depicting the same individuals  
19 in different poses. They were taken the same day and  
20 there will be further testimony about them. But we are  
21 offering them at this point because the defendant has been  
22 identified in one of them by the witness and also the  
23 individual that the witness referred to as John -- I think  
24 he referred to him as John Bonneville. I am phonetically  
25 pronouncing that. It will be established that he will be



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2 John Barnaba, another government witness.

3 With respect to the other photographs, your Honor,  
4 and those also as well, we have masked over the backs of  
5 those photographs and we offer those again in evidence and  
6 we would ask before cross-examination commences that they  
7 be passed to the jury.

8 MRS. ROSNER: May we see the masking, your  
9 Honor.

10 THE COURT: I agree with the masking. I saw the  
11 photographs yesterday and there was writing on the back of  
12 them. I don't think the writing on the back of them is  
13 necessary at all.

14 I gather you are not offering the written part.

15 MR. PHILLIPS: No, we are not, your Honor.

16 MR. ELLIS: Your Honor, nothing that Mr. Phillips  
17 says establishes the need for six photographs. It creates  
18 the impression that the ubiquitous Mr. Mamone was always  
19 at that club. It's not so.

20 THE COURT: All right. I am going to have to take  
21 a look at them again. I will tell you right now -- I know  
22 that you are rushing off to the Court of Appeals -- my  
23 feeling is to permit them in unless they are really prints  
24 of the same photograph. I understand your argument.  
25 I want to take a look at them.

MR. ELLIS: I would also like to say there is no relevance established for six photographs of the same day, no foundation for them.

THE COURT: I understand. Mr. Lopez.

MR. LOPEZ: Yes, your Honor. This morning, Judge Duffy, I turned over to the United States Attorney a supplemental memorandum on the issue of admissibility and relevancy and prejudice and materiality with regard to the million dollars and turned over the original to --

THE COURT: I just got it.

MR. LOPEZ: Right. I know your Honor would want an opportunity to see that and give the government an opportunity to reply to it.

THE COURT: Yes.

MR. LOPEZ: In any event, your Honor, at this time I would like to introduce three exhibits on behalf of Di Napoli.

I would like to introduce a Xerox copy of Indictment No. 72 Cr. 1021 for identification, which is captioned in this district United States of America vs. Joseph Di Napoli and Joseph Di Benedetto.

I would like to submit as Di Napoli's Defendant's Exhibit B a copy of the minutes before the Honorable Lloyd F. MacMahon on January 4, 1973, wherein the plea was



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2 taken and the judgment was pronounced against the defendant  
3 Di Napoli and certain representations made by the United  
4 States Attorney's Office.

5 I would like to introduce on behalf of Di Napoli as  
6 Defendant's Exhibit C a certified entry of the judgment,  
7 72 Cr. 1021.

8 These three exhibits, your Honor, are to be  
9 marked at our request for identification. In the event  
10 that you, your Honor, would like to refer to them, at  
11 least you will have them available. We will be prepared  
12 to supply any other documents that may be pertinent on this  
13 issue.

14 Your Honor has indicated to us, wisely, that  
15 as yet you would not make a ruling on this matter in a  
16 vacuum, in an evidentiary vacuum. For myself and for  
17 several other attorneys who are involved in this matter,  
18 before your Honor does make a decision in this matter and  
19 at an opportune time to the Court we would request one  
20 more opportunity to argue this point, this important point,  
21 to your Honor in behalf of the various defendants that are  
22 on trial here.

23 THE COURT: Yes, you will have that opportunity.  
24 In connection with that, I would assume that the money  
25 would not be offered today, so we can figure out a time

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2 for that argument.

3 MR. LOPEZ: Right, at the Court's convenience.

4 Your Honor, Mr. R. Allen Stotsenburg has a request  
5 to make of this Court. He is no longer a defense counsel  
6 involved here, but he has a client and I think has an issue  
7 to be presented to the Court. He would like to address you.

8 THE COURT: All right.

9 (Defendant's Exhibits AC marked for  
10 identification.)

11 MR. STOTSENBURG: Your Honor, my name is R. Allen  
12 Stotsenburg and I represent Mary Jane Elizabeth Salvani,  
13 a defendant named as such in this indictment, but severed,  
14 as your Honor will recall.

15 Your Honor, I move at this time to quash a subpoena  
16 served by the government on Monday, January 28, 1974, upon  
17 Mrs. Salvani.

18 THE COURT: I can't quite make a ruling on that.

19 MR. STOTSENBURG: The motion, of course, is  
20 based upon Mrs. Salvani's constitutional rights, under the  
21 Bill of Rights, the Fifth Amendment in particular, the right  
22 against self-incrimination.

23 I bring your Honor's attention to Goldberg v.  
24 United States, a recent decision of Judge Friendly. The  
25 point that is fundamental is that Mrs. Salvani has not in



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2 any way consented. She is being subpoenaed.

3 Aside from the harassment that your Honor has  
4 seen coming and going and the vacillation on the part of  
5 Mr. Phillips, we have never vacillated. We have stated that  
6 she does not intend to testify. Consequently, there was  
7 such an effort. As a matter of fact, we are prepared to go  
8 beyond that and show that the agents of the Federal Bureau  
9 of Investigation were sent around to make an attempt to  
10 talk to my client in the absence of counsel. As your Honor  
11 knows, I am, of course, still clearly her attorney at this  
12 moment.

13 THE COURT: Would you mind telling me, among  
14 other things, what the subpoena is to and what --

15 MR. STOTSENBURG: To appear before this Court  
16 this morning. I am sorry, your Honor. It's returnable  
17 this morning.

18 THE COURT: For testimony in this case?

19 MR. STOTSENBURG: Yes.

20 THE COURT: Mrs. Salvani is still going to have her  
21 Fifth Amendment rights. I can't quash it just because she  
22 is subpoenaed.

23 MR. STOTSENBURG: Your Honor, I respectfully  
24 disagree. I think that a witness who is not just a witness  
25 but in fact is a defendant in the very indictment before the

1 Court has a right not to be ordered to appear in this  
2 case.

3  
4 If your Honor were to say she is to appear and  
5 go ahead as a defendant, that is one thing.

6 THE COURT: There are circumstances where she  
7 would have to appear.

8 MR. STOTSENBURG: I am suggesting, your Honor,  
9 that this is one of the circumstances in which I don't think  
10 she should have to.

11 THE COURT: No, I am not going to quash it on  
12 that basis.

13 Mr. Phillips, do you want to reply?

14 MR. PHILLIPS: I have not heard anything from  
15 Mr. Stotsenburg as a basis for quashing the subpoena yet,  
16 so there is no reply to make, your Honor.

17 THE COURT: The motion to quash --

18 MR. STOTSENBURG: Would you indulge me a minute  
19 before your Honor rules?

20 THE COURT: Yes.

21 MR. LOPEZ: Judge Duffy, if it is the intention  
22 of the witness to invoke the Fifth Amendment --

23 THE COURT: I am well ware of the problems.

24 MR. LOPEZ: -- and for Mr. Phillips to put her  
25 on the stand and ask her questions pertaining to this



case or what he feels pertains to this case and have the witness invoke the Fifth Amendment, we certainly would object to that type of questioning.

THE COURT: I am well aware of the problems.

MR. STOTSENBURG: To the extent that I didn't make it clear, your Honor, she clearly intends to invoke her Fifth Amendment privilege and we feel that it is a highly discriminatory and highly unfair, and I mean unfair to the level of violating the Fifth Amendment right to not be required to incriminate oneself, to require her to take the stand and invoke that privilege when she is an indicted defendant by this indictment. I refer your Honor, as I say, to the case of *Goldberg v. United States*.

THE COURT: Under the circumstances, Mr. Stotsenburg, she would have to come forward, as apparently she did today in response to the subpoena.

MR. STOTSENBURG: Your Honor would understand I produced her here this morning certainly for purposes of the quashing motion.

MR. ROSENBERG: If your Honor please, the difficulty we are going to have is when the witness takes the stand in front of the jury, the government starts asking questions, she invokes her Fifth Amendment right, it will give the jury the opportunity to speculate that perhaps she

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had negative or damaging testimony with respect to any one  
or all of these defendants and that she is invoking her  
Fifth Amendment right. If the government intends to do it  
may I suggest that we put her on the stand without the jury  
being present, find out what her position is, so that these  
defendants are not prejudiced.

THE COURT: I am going to do my best to make  
sure that the defendants are not prejudiced, but I would  
guess that we would never get to Mrs. Salvani today.  
I suspect the cross-examination of Mr. Stasi will eat up  
the rest of the day. I don't see any need for a ruling  
right now on this.

MR. STOTSENBURG: All right.

THE COURT: Mr. Siegal, I assume you intend to  
cross-examine.

MR. SIEGAL: Oh, I think so.

THE COURT: I would guess so.

MR. SIEGAL: Yes.

THE COURT: Mrs. Rosner, I assume you will cross-  
examine.

MRS. ROSNER: Yes, your Honor. However, Mr.  
Fisher and I have agreed that he will conduct his examina-  
tion first.

THE COURT: That is all right. I am just trying



2 to figure out the time, not the timing.

3 Mr. Fisher, you are going to cross-examine?

4 MR. FISHER: Yes, sir.

5 THE COURT: Let's see who else will.

6 MR. ROSENBAUM: I will cross-examine, your Honor.

7 THE COURT: Mr. Lopez?

8 MR. LOPEZ: I don't think so, your Honor, at this  
9 time, unless you can suggest some questions. I really  
10 don't think so.

11 THE COURT: I know that you are more inventive  
12 than the need for suggestion.

13 Mr. Rosenberg.

14 MR. ROSENBERG: No, your Honor.

15 THE COURT: Let's just figure out who else is.  
16 Mr. Warner, are you?

17 MR. WARNER: Yes.

18 THE COURT: Mr. Curley.

19 MR. CURLEY: Yes.

20 THE COURT: Under the circumstances, it's my  
21 strong belief that we will not get to Mrs. Salvani and her  
22 problem today.

23 Mrs. Salvani, you will be excused for the rest of  
24 the day. You are to return here on Monday at 10 o'clock.  
25 Are you here?





2 MR. STOTSENBURG: Yes. I think we will probably  
3 stay and listen to some of the testimony, your Honor.

4 MR. FISHER: Your Honor, I would object to that.

5 THE COURT: I was about to comment that all  
6 witnesses are not to be in the courtroom while somebody  
7 else is testifying.

8 MR. STOTSENBURG: I understand that, your Honor,  
9 except that as I understand, the witness Stasi --

10 THE COURT: Mr. Stotsenburg, if you want me to  
11 I will order you both to leave the courtroom or I will  
12 order Mrs. Salvani to leave the courtroom.

13 MR. STOTSENBURG: Fine. I wonder if I might  
14 make clear to your Honor the grounds for my making that  
15 request.

16 It may very well be that proceedings in the  
17 future would result in a further trial of my client.  
18 Certainly she was indicted and her case was severed.  
19 There has been no indication as to exactly what will happen.

20 Mr. Stasi I am informed is the principal witness  
21 against my client. It is my position, respectfully, that  
22 my client has a right to hear testimony given in a public  
23 trial which will be offered against her and which is  
24 essentially against her and that to exclude her at this  
25 time is to deprive her of an opportunity to prepare and

2 make a defense, particularly in view of the fact we have  
3 had no bill of particulars, as ordered by your Honor but as  
4 refused by the government.

5 Consequently, we have a right, my client, Mrs.  
6 Salvani, has an absolute right to be present when this  
7 particular person is examined. I understand that normally  
8 a witness is sequestered, but as your Honor knows, in a  
9 civil case the principal has a right, even though he is a  
10 witness, to listen, and in a criminal case I would respect-  
11 fully tell the Court a defendant in the same indictment has  
12 a right to hear testimony that may be offered against her.

13 She is going to exercise all her rights under  
14 the Bill of Rights and those rights include her right, I  
15 think, to attend upon a trial in which evidence is being  
16 given against her.

17 THE COURT: All right. Mrs. Salvani, you are  
18 ordered to leave the courtroom. Remain outside until such  
19 time as you are called as a witness or such time as your  
20 counsel may make an application without the hearing of the  
21 jury and without any witness being present.

22 All right. Will you leave now.

23 Mrs. Rosner.

24 MRS. ROSNER: Your Honor, I press this only because  
25 the government said they wanted to distribute these photo-



graphs before the cross-examination began.

The Court of Appeals has recently reversed a case, United States v. Harrington, for what they called the inartful masking of photographs. The government has verh adroitly stapled two corners of the back of the photograph so that anyone with the dexterity of a one-year-old can lift it up and read the writing underneath.

I would suggest, your Honor, if you inspect the pictures you will see that the masking has done absolutely nothing and the writing is completely visible.

MR. PHILLIPS: We will staple the other corners, your Honor. It will only take a minute.

MRS. ROSNER: I don't think that is sufficient, Judge. I would ask that the back of the photographs be taped.

MR. PHILLIPS: If they are stapled it's impossible to see them.

THE COURT: Staple the other corners.

MRS. ROSNER: Your Honor, there are some photographs where four corners are stapled and by bending the photograph you can look under the photograph and see everything written on them.

I object to it, your Honor. They can get masking tape and cover it over and there is no reason not to do it

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2 that way.

3 I also object to certain dates and serial numbers  
4 on the front of the photographs which are testimonial in  
5 nature, indicating when they were taken and that a series  
6 were taken, not all of which have been produced.

7 THE COURT: All right. Your objection is noted  
8 and overruled right now.

9 The government produced to me certain letters  
10 which have been written by the witness Frank Stasi and  
11 indicated that it did not believe that these letters were  
12 3500 material. I have reviewed them and I agree with them.  
13 The letters are to be marked as Court's Exhibit 24 and be  
14 sealed by the clerk.

15 Court's Exhibits Nos. 25, 26, 27, 28, 29, 30, 31,  
16 32, 33, 34, 35, 36, 37, 38, 39 and 40 are cassette tape  
17 recordings which I have listened to, reviewed, and I find  
18 do not contain 3500 material.

19 Court's Exhibits No. 42, 43, 44, 45 and 46 are  
20 tape recordings maintained on a reel as opposed to cassettes.  
21 I have also listened to these and I do not consider them  
22 to be 3500 material.

23 Court's Exhibit No. 47 is a cassette which I have  
24 listened to and do not believe to be 3500 material.

25 All of these items have been marked and I order



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2 them sealed by the clerk.

3 Yes, Mrs. Rosner.

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MRS. ROSNER: Your Honor, the letters to which you made reference, are those the letters Mr. Hoffman produced yesterday or some other letters?

THE COURT: No, they aren't in connection with the letters which Mr. Hoffman produced yesterday.

MRS. ROSNER: May I inquire most respectfully, your Honor, whether these are letters written by Mr. Stasi to any member of the government? And the reason I make that inquiry is this, your Honor --

THE COURT: I don't know if they are written to any member of the government. There's a potpourri of letters, and they really have not bearing whatsoever on this trial.

MRS. ROSNER: I would like to signal for your Honor's attention a case decided in this circuit about two weeks ago, United States against Pacelli, in which the failure to turn over a letter written by a witness to a United States attorney, in which he expressed his gratitude to the government revealing the nature of his relationship to the government was held to be such a serious error as to require a reversal, your Honor, and I had only indicated if there are such letters and they indicate in any way Mr. Stasi's relationship to the government I would move their introduction.



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2 THE COURT: All right, Mrs. Rosner. I would  
3 assure you that it is not even that close. I mean,  
4 it's not close at all.

5 Now, in connection with the letters Mr. Hoffman  
6 produced yesterday I contacted Mr. Otis Pearsall of the  
7 firm of Hughes, Hubbard & Reed and asked Mr. Pearsall to  
8 advise Mr. Stasi to go through the letters and talk to  
9 Mr. Stasi, and he has agreed to do it. I believe that  
10 he will do it over the weekend.

11 MRS. ROSNER: There was one other thing,  
12 Judge. What was your Honor's ruling on the tape  
13 recordings between Mr. Stasi and his daughter which were  
14 produced by the government?

15 THE COURT: That's part of it. All  
16 right, I assume we are ready. Mr. Clerk, will you bring  
17 in the jury

18 (Court's Exhibits 24 through 47 marked for  
19 identificztion.)

20 (Jury present.)

21 THE COURT: Good morning, ladies and gentle-  
22 men.

23 THE JURORS: Good morning.

24 THE COURT: I indicated to you at the  
25 beginning of this trial that we may be sitting on Satur-

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2 days. I had asked if you would be good enough to take  
3 a poll among yourselves as to whether you want to sit  
4 on Saturdays. I received a note saying that you were  
5 not unanimous. So under those circumstances, I'm not  
6 going to be unanimous either. We will not be sitting  
7 tomorrow.

8 Just hold on to whatever question you have.  
9 We will not be sitting tomorrow, though. I have  
10 taken what I have considered to be a day off to make  
11 arrangements for some personal things of my own which I  
12 have been unable to catch up with for a long time, and  
13 I am going to do that tomorrow. However, the following  
14 Saturday we will sit.

15 MR. PHILLIPS: Your Honor, may we approach  
16 the bench?

17 (At the side bar.)

18 MR. PHILLIPS: I notice No. 3 juror, when you  
19 indicated to the jury that they were not unanimous about  
20 sitting Saturday, shook his head and uttered an inaudible  
21 no. So I would ask your Honor to inquire, because  
22 if they are sitting Saturday we would ask your Honor to  
23 sit Saturday. The jury is going to be locked up and  
24 the least the lawyers could do would be to sit Saturday.

25 THE COURT: We will be sitting Saturday after



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2 this week. They understand.

3 MR. PHILLIPS: One juror shook his head no,  
4 when you say they weren't unanimous. If they aren't  
5 unanimous, fine, but if they are, we should sit Saturday.

6 THE COURT: We will be sitting Saturdays  
7 after tomorrow. What's the difference?

8 All right.

9 (In open court.)

10 MR. PHILLIPS: Mr. Clerk, would you bring  
11 in the witness, please.

12 F R A N K S T A S I resumed.

13 THE COURT: Mr. Stasi, sit down. You will  
14 recall that you were placed under oath. That oath  
15 continues.

16 MR. PHILLIPS: Your Honor, before the cross  
17 examination commences, may Government's Exhibits 17, 18,  
18 19, 20 and 20 through E and 21 be received in evidence  
19 and shown to the jury.

20 THE COURT: May I see the exhibits?

21 MR. FISHER: Your Honor, I would object and  
22 ask to be heard at the side bar briefly.

23 (At the side bar.)

24 MR. FISHER: My objection is to the three  
25 larger ones which have dates on the top. There is no

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testimony as to whether the pictures were taken and, as I understood your Honor's ruling, those were supposed to be dropped; those dates.

MR. PHILLIPS: They will be identified as being those dates, so the government would ask that the photographs --

THE COURT: Can you put a piece of tape over that?

MR. PHILLIPS: I think we probably could. The other alternative is that we ask that they be taken subject to being stricken if we can't establish the dates.

THE COURT: No, take the dates off.

MR. PHILLIPS: May the others be received?

THE COURT: Yes.

(In open court.)

(Government's Exhibits 20, 20A through 20E were received in evidence.)

(Government's Exhibit 21 was received in evidence.)

MR. PHILLIPS: May I hand those to the forelady, your Honor?

THE COURT: Yes..

(Government's Exhibits 18 and 19 were received

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mpa6

Stasi-cross

1                    in evidence.)

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3                    (Government's Exhibit 17 was received in evi-  
4                    dence.)

5                    THE COURT:     Miss Carden, will you go down  
6                    to the other end of the jury box and collect the pictures  
7                    after the last juror has them.

8                    All right, Mr. Siegal, you may proceed.

9                    CROSS EXAMINATION

10                   BY MR. SIEGAL:

11                   Q     Mr. Stasi, do you recall May 22, 1973?

12                   A     I don't know anything about the year.

13                   Q     I can't hear you.

14                   A     I don't know anything about the year.

15                   Q     About the date?

16                   A     About the date.

17                   Q     Do you recall being arrested in connection with  
18                   this case?

19                   A     Yes, I do.

20                   Q     You remember that, do you not?

21                   A     Yes, I do.

22                   Q     Do you now know that it was May 22, 1973 when  
23                   you were arrested?

24                   A     I still don't remember the --

25                   Q     You don't remember -- do you remember where you

were when you were arrested?

A Yes, I do.

Q Where were you?

A 1651 Williamsbridge Road.

Q Is that your home?

A        No, it's not.

Q Whose home was it?

A      Some friend of mine.

Q A woman named Liz?

A Yes.

Q And when you were arrested, had you come out of her apartment with a box?

A Yes, I did.

Q What kind of a box?

A      A box that was shown before.

MR. SIEGAL: Could we have that exhibit?

Would you be good enough -- thank you.

Q When you were coming out of that house at 1651 Williamsbridge Road, you were carrying this box and its contents, is that correct?

A      That's right.

Q And amongst the contents was some mannite, is that right?

A      That's right.



1                   Q     And how much or how many packages of mannite  
2  
3 was in the box?

4                   A     I don't know what they contained.     I know  
5 it's four packages.

6                   Q     Four packages?

7                   A     Four, what's in the box right now.

8                   Q     Would you be good enough, with the court's  
9 permission, to come down now and pick out the four pack-  
10 ages?

11                             (Witness complies.)

12                   Q     Would you take them back to the witness chair  
13 with you, please.

14                   THE COURT:     For purposes of the record, the  
15 packages are Government's Exhibits 5, 3, 6 and 4.

16                   Q     Had you previously to May 22nd bought those  
17 four packages?

18                   A     What's that?

19                   Q     Had you previously bought those four packages?

20                   A     Yes, I had.

21                   Q     How much did you pay for it?

22                   A     \$2000.

23                   Q     Now, would you please be good enough to look  
24 at the four packages and see if those are the four  
25 packages that you bought and in the same condition as

when you bought it?

A They look like the same four.

Q They look like the four are intact, would you say?

A What do you mean by intact?

Q It had not been opened? Nothing taken out of it?

A No.

Q When you say no, you mean yes to my question, is that right?

A There's nothing been taken out.

Q Thank you.

Now, would you please be good enough to tell me, before you took them out of that house on May 22nd and were arrested with those contents, how long had those four packages, plus all of the other paraphernalia in this box, been up in Liz's apartment at 1651 Williamsbridge Road?

A I couldn't tell you.

Q Can't you give us some idea?

A I couldn't tell you.

Q Well, originally, when you had bought the mannite and the paraphernalia, you brought it to your own home, is that correct?



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Stasi-cross

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MR. PHILLIPS: Objection. Objection,  
your Honor. The testimony wasn't that he bought the  
paraphernalia.

MR. SIEGAL: All right. I will withdraw  
the question, your Honor.

Q Did you and Joe Crow at one time go to  
Jersey to buy some paraphernalia?

A Yes, I did.

Q And is this the paraphernalia?

A Yes, it is.

Q And did you take that paraphernalia which you  
bought in Jersey and put it in this big cardboard box?

A The cardboard box was brought with the mannite  
to me.

Q And then you put them all together, is that  
right?

A That's right.

Q And then there came a time after you got them  
all together that you put them in your apartment,  
is that correct?

A What do you mean, put all in my apartment?

Q Well, you lived somewhere, didn't you?

A Yes.

MR. PHILLIPS: Objection, your Honor.

THE COURT: All right.

Q Where do you live?

A 1113 Vincent Avenue.

Q And did you take this box and put it into  
1113 Vincent Avenue?

A Yes, I did.

Q And where in your apartment did you put the  
box?

A In the kitchen pantry closet.

Q You hid it, is that right?

A That's what I did.

Q You didn't want everybody in the world to be  
able to find it, is that correct?

A It's easy to find if anybody wants to find it.

Q But you hid it nevertheless, is that right?

A Yes, I did.

Q All right. Now, what caused you, if  
anything, to take that box out of your house  
and remove it to 1651 Williamsbridge Road?

A I removed it because there was a roundup.

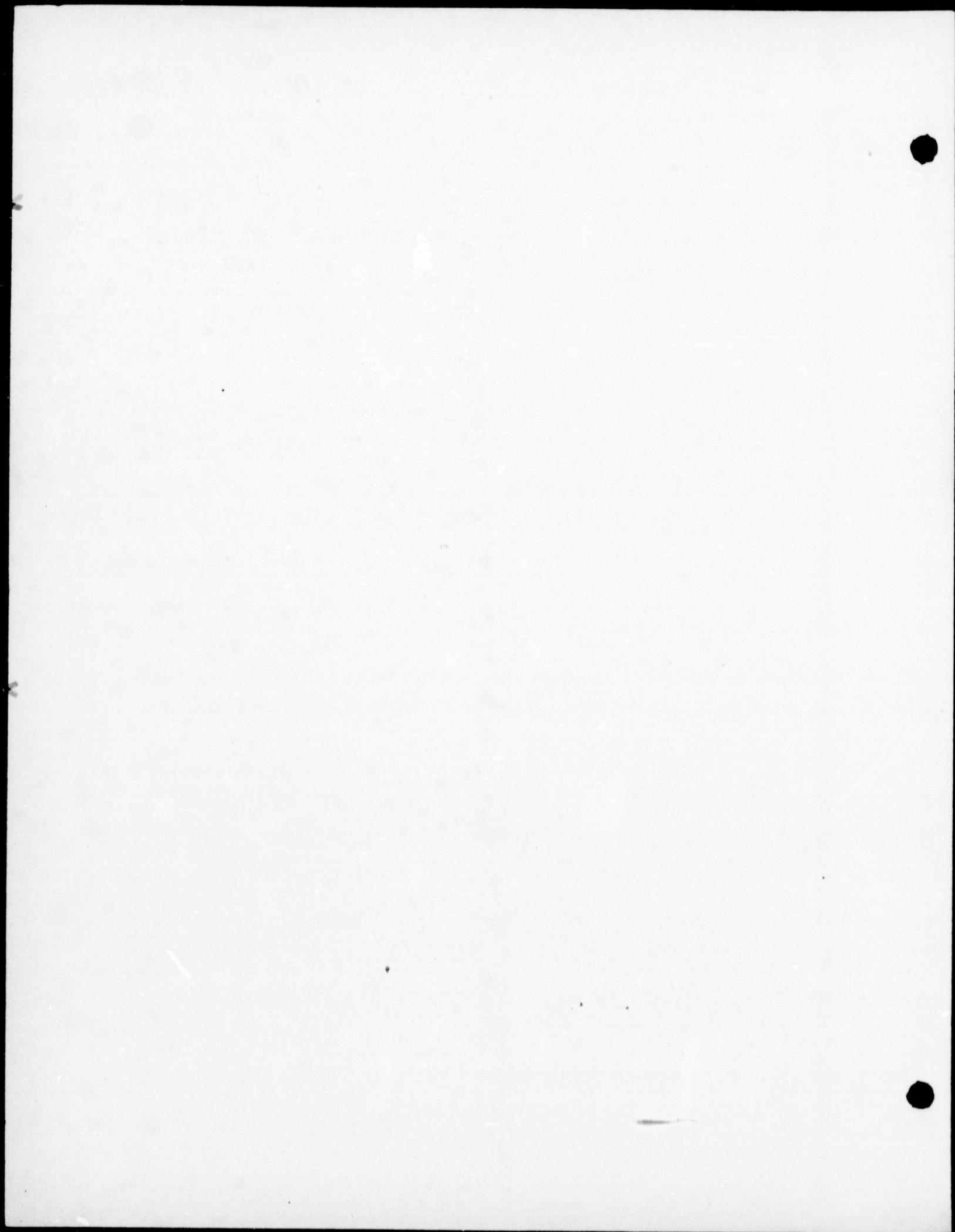
Q A roundup of what?

A Of fellows getting picked up for narcotics.

Q About 86 of them?

A I don't recall how many was there.







1  
2 Q Where did you learn of the roundup or how  
3 did you learn of the roundup?

4 A How did I learn?

5 Q Yes.

6 A By reading in the papers and word going around,  
7 from different people.

8 Q And when you learned of the roundup you got  
9 frightened, is that right?

10 A I did.

11 Q You thought that perhaps you would be the  
12 next one to be arrested, is that correct?

13 A Yes.

14 Q And you didn't want the authorities to find  
15 this box and its contents in your home, is that correct?

16 A That's right.

17 Q And if I tell you that the roundup was on April  
18 the 16th, 1973, would you accept my word?

19 A I don't know.

20 MR. SIEGAL: The government conceded that  
21 that was the date of the big roundup.

22 MR. PHILLIPS: The roundup was the evening  
23 of April 13th and the morning of April 14th. The  
24 arraignments were April 16th and they were announced at  
25 that time.

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Stasi-cross

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Q At any rate, it was around April 14th that there was this big roundup and you took the box out of your house and brought it over to Liz's house, is that correct?

A Let me answer that. I didn't take it out right after there. It stood there for a little while.

Q You mean minutes?

A Not minutes. It might have been there for a couple of weeks after the roundup.

Q A couple of weeks?

A That's right.

Q Did you ever tell the authorities in this case that that box remained in your home for a couple of weeks after the roundup?

MR. PHILLIPS: Objection.

THE COURT: I will permit it.

Q Sir, what was your answer, Mr. Stasi?

A What was that? Repeat it again.

MR. SIEGAL: May we have the reporter repeat it?

(Question read.)

A I did.

Q To whom?

A I don't know which officer it was.



1  
2 Q Isn't it a fact that you told the officers  
3 that because of the roundup on April the 16th that you  
4 removed the boxes to Liz's apartment at 1651 Williams-  
5 bridge Road?

6 A I did say I removed -- I moved it. I  
7 didn't say when.

8 Q You didn't say when, is that right?

9 A I says a couple of weeks later what I just had  
10 said.

11 Q Now, how long was the box in your apartment  
12 before you removed it?

13 A I couldn't tell you.

14 Q Give us some idea?

15 A I couldn't tell you.

16 Q Was it a year?

17 A I couldn't tell you.

18 Q Was it six months?

19 A I still can't tell you.

20 Q Was it three months?

21 A I don't know.

22 Q Was it three or four weeks?

23 A I couldn't tell you.

24 Q Are you telling us, sir, that you spent \$2000,  
25 bought that mannite, put it together with the paraphernalia,

1 and you have no idea how long you had it in your house  
2 before you removed it on April the 14th?  
3

4 A I says, after, when I went -- it was at the  
5 house from when after I went with Joe Crow to Jersey, so  
6 I can't remember just when it would be.

7 MR. PHILLIPS: Your Honor, I wonder if the  
8 clerk could fill that empty glass with water.

9 THE COURT: Surely.

10 Q At any rate, it is obvious, is it not, that  
11 between the time that you bought the mannite and the time  
12 that you put it into your house and then transferred it  
13 to Liz's house at 1651 Williamsbridge Road, that mannite  
14 and its contents wasn't used, isn't that correct?

15 A That's right.

16 Q All right. And isn't it a fact that between  
17 April 14th, when you brought it to Liz's house and May  
18 22nd --

19 THE COURT: I don't believe that's the testi-  
20 mony, Mr. Siegal. He said a couple of weeks after April  
21 14th.

22 MR. SIEGAL: But we fixed the date of the  
23 roundup as April the 14th.

24 THE COURT: I understand that, but he said  
25 he left it there a couple of weeks. That's my recol-



2 lection.

3 Ladies and gentlemen, my recollection doesn't  
4 count. It's your recollection that counts. Pay  
5 close attention to the testimony.

6 Q Mr. Stasi, there came a time, did there not,  
7 when you came out of Liz's house with the packages, with  
8 the mannite, and you were arrested with those packages,  
9 is that correct?

10 A That's right.

11 Q Isn't it obvious then that between the time  
12 that you first bought that mannite and the time that you  
13 were arrested, on May 22nd, coming out of that house,  
14 that you had not used that mannite?

15 A I can't tell you.

16 Q Well, look at it now.

17 MR. PHILLIPS: Objection. It's been asked  
18 and answered.

19 THE COURT: I think it has been.

20 MR. SIEGAL: Not in that context, sir.

21 MR. PHILLIPS: Your Honor, that very ques-  
22 tion was asked just when Mr. Siegal was --

23 THE COURT: I have been hearing. I heard  
24 it asked and I heard it answered. Now, Mr. Siegal, you  
25 want to go on to something else.

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Stasi-cross

493

Q I am asking you to look at those four packages and tell us whether they were used from the time you bought it until the time you were arrested.

-- THE COURT: That was answered before. He said they were sealed and in the same condition.

MR. SIEGAL: This is cross examination, and I am trying to test the credibility of the witness.

MR. PHILLIPS: Your Honor, I object to that.

THE COURT: I understand this is cross examination. Now move on to something else.

Q Now, were you interviewed by some authorities on July the 15th, '73 and were you asked questions and did you give some answers to questions?

A Yes, I did.

MR. SIEGAL: Now, Mr. Phillips, I am referring to the debriefing of July 15th, page 11.

MR. PHILLIPS: Do you have an exhibit number?

MR. SIEGAL: It hasn't been marked, as far as I know.

May I refer you to page 10, the middle of the page.

Q Were you asked this question and did you give this answer:

"Q This was in the barbershop?



1                    "A     This was in the barbershop.     So I hung  
2  
3 around there.     He came back.     He says, 'Your car is  
4 at 119th Street, in the block where the church is.'

5                    -- "I said, 'Well, I am going there,' I says.  
6 'Just watch me as I am walking, you know, see that nobody  
7 is following me.'

8                    "I got in my car and took the, this here mannite  
9 to my apartment and put it in the box."

10                   Did you make that answer to that question

11                   A     I did.

12                   MR. SIEGAL:     Page 11, Mr. Phillips.

13                   Q     Was this question asked of you and did you  
14 give this answer:

15                   "Q     Okay.     All right, then you drove back  
16 to where?     Your house?

17                   "A     To my house."

18                   Did you give that answer to that question?

19                   A     I did not.

20                   Q     You did not?

21                   A     When they picked me up I wasn't going to my  
22 house.

23                   Q     Where were you going?

24                   A     I was going to meet someone.

25                   Q     Was this question asked of you and did you

1  
2 give this answer:

3 "Q All right.

4 "A And that's where, and put it in and I  
5 put the Mannite in here with this here box that I got busted  
6 with"?

7 Did you give that answer to that question?

8 A I still don't know what you mean by that.

9 Q I will ask you this question.

10 Were you asked this question and did you give  
11 this answer:

12 "Q All right, how long did that box stay  
13 in your house?

14 "A About a little while. About a month  
15 or so. Maybe a little more, I guess"?

16 Did you give that answer to that question?

17 A I don't recall.

18 Q You do not recall?

19 A No.

20 Q Does it refresh your recollection that that  
21 box remained in your house for about a month or so?

22 MR. PHILLIPS: Objection, your Honor.

23 Objection to the form.

24 THE COURT: I will sustain the objection.  
25 Rephrase it.



1                   MR. SIEGAL:     I will withdraw it.

2                   Q     "Q     Why did you move it?

3                   A     "Ah     Oh, I moved it because when the roundup  
4                   was there.    -- I took it upon myself."

5                   Did you make that answer to that question?

6                   A     Yes, I did.

7                   Q     Were you asked:

8                   "Q     What roundup?"

9                   and did you say:    "The 86 men that --";

10                  Was that your answer to that question?

11                  A     I did.

12                  Q     And did you continue with your answer as follows,  
13                  the bottom of the page:

14                  "A     I heard the news, I heard it on -- so  
15                  I felt, maybe, who knows, they seen me always with them.  
16                  They had to get rounded up.    I figured I might have been  
17                  next.    So I says let me take the thing out of my  
18                  house.    This way it's clean"?

19                  Did you make that answer to that question?

20                  A     I did.

21                  Q     Were you asked this question and did you give  
22                  this answer:

23                  "Q     So you took the stuff out of the house?

24                  A     I took it out of the house, and the only  
25

I could think of was a girl named Liz that stays in the Flaming Pit. On numerous occasions I go there to eat, and she used to go with me on a friendship basis, for a companion to me, to go bouncing around"?

Did you make that answer to that question?

A I did.

Q Were you asked this question and did you make this answer:

"Q Where does she live?

"A She lives at 1651 Williamsbridge Road"?

A I don't recall if I did.

Q But she did live, did she not, at 1651 Williamsbridge Road?

A She did.

Q And when you left that package there, Mr. Stasi, did you tell the young lady that you were going to give some money to keep it there?

A I says I am going to leave something there. I didn't say anything about money at the time. It came later on.

Q Well, later on, what did you say about money?

A I said, "I am going to give you something." She told me, "Don't worry about it."

I decided to give it to her.



Q You decided to give it to her?

A That's right.

Q But you never told her that you were going to give her any specific amount of money?

A I was talking. I didn't say I was going to give her anything. I decided to give her a hundred dollars.

Q Was this question asked of you and did you give this answer:

"Q Did you give her anything?

"A I didn't give her anything. She said, 'Frankie, don't worry about the money,' and I said, 'I promised a hundred dollars.'"

Did you make that answer to that question?

A What did I say now? Isn't that similar to what I just answered?

Q No, it is not.

THE COURT: Don't argue.

MR. PHILLIPS: Your Honor, Mr. Siegal omitted a word after "dollars."

THE COURT: The answer was, reading from the top of page 13:

"She said, 'Frankie, don't worry about the money.' I said, 'I promised a hundred dollars but.'"

MR. SIEGAL: All right.

Q The next question:

"Q Right?

"A But she did get it later on."

Did you make that answer to that question?

A That's what I answered you.

Q Did you make that answer to that question?

THE COURT: I believe he said that's what  
he answered. I believe that's what he means.



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Stasi-cross

500

Q I believe you told us either yesterday or the day before that you have been getting cocaine or using cocaine, is that correct, in the last year or so?

A That's right.

Q In the last year or so were you in custody?

A Yes, I was.

Q And who was supplying you with the cocaine?

A Who supplied me?

Q Yes.

A I got it myself.

Q You bought it yourself?

A From the fellows that used to tell me to go downtown and get it.

Q While you were in custody?

A Yes.

Q How many times a week did you use the cocaine?

A I say two or three times a week.

Q And how much cocaine on each occasion?

A What do you mean by how much?

Q How much do you use?

A I don't know how much I use.

Q At a time.

A I just take a couple of snorts.

Q How do you buy it, in what amounts?

1           A       \$50 pouches.

2           Q       And that lasts you how long?

3           A       I don't have it all by myself.    I have it with  
4           the fellows that I'm with.

5           Q       The fellows that you are with?

6           A       That's right.

7           Q       Aren't you in custody for the last year or so?

8           A       I still was working for them and I had to go along  
9           with them and be with them.

10          Q       You mean you were out on the street on your own  
11          in the last year or so?

12          A       I was working for the people.

13          Q       Did you have a snort last week?

14          A       I don't know.

15          Q       You don't know? Did you have some cocaine this  
16          week?

17          A       How could I have cocaine if I'm here?

18          Q       I am asking you.

19          A       I didn't.

20          Q       When is the last time you had cocaine?

21          A       I don't know.

22          Q       You don't know?

23          A       No.

24          Q       Was it yesterday?



hp3

Stasi-cross

A It wasn't yesterday.

Q Was it today?

A Can't be today. I'm here.

Q Was it the day before?

A I was here yesterday too, wasn't I?

Q Did you have cocaine that day?

A How could I have cocaine if I'm in custody?

Q You had it during the last year while in custody, isn't that what you just told us?

A Yes, when I was working for the SIU, right.

Q Aren't you working for them now?

A No, I'm not.

Q I believe you told us yesterday or the day before that you had gotten no promises of any kind from the government, is that correct?

A That's what I said.

Q You have talked to the government authorities on many occasions with reference to the events that you told this jury about, isn't that correct?

A I did.

Q And you told them about the mixing and the cutting of heroin, right?

A I did.

Q And you told them that occurred on about seven

1           hp4                               Stasi-cross

2           or eight different occasions, isn't that right?

3           A           I can't hear you.

4           Q           You told them that you had cut heroin on seven  
5           or eight different occasions, isn't that correct?

6           A           I says eight.    I didn't say seven or eight.  
7           I says eight.

8           Q           You said eight different occasions, isn't that  
9           correct?

10          A           That's right.

11          Q           You also told them about some deliveries of  
12          narcotics that you made?

13          A           I did.

14          Q           After you told them all of that were you indicted  
15          in this case as a defendant for violation of the narcotic  
16          laws?

17          A           I was.

18          Q           In this court?

19          A           Not in this court.

20          Q           Are you a defendant in this indictment?

21          A           I don't know what you mean by a defendant.

22          Q           Were you charged with a crime in this indict-  
23          ment?

24          A           I was charged in the State Court.

25          Q           I said in this indictment in the Federal Court.



1 hp5 Stasi-cross

2 MR. PHILLIPS: Objection, your Honor.

3 A I don't know what you mean. I don't know about  
4 the law.

5 THE COURT: All right.

6 Q Were you promised that you would not be indicted  
7 in the Federal Court?

8 A I was made no promises.

9 Q And you got no promises of any kind, is that  
10 correct?

11 A That's right.

12 Q Wasn't the first promise that you got that you  
13 would be able to continue your habit of snorting cocaine?

14 A I was working for the SIU at the time.

15 Q But they permitted you to continue snorting,  
16 is that correct?

17 A I had says I got to do what I did before, go along  
18 with the people, so they don't know what I'm doing.

19 Q You finally went in jail in June, isn't that  
20 correct?

21 A June the 8th, to be exact.

22 Q And you stayed in jail for about how long that  
23 time?

24 A 35 days.

25 Q And then you came out of jail?

1           hp6                               Stasi-cross

2           A           That's right.

3           Q           And after you came out of jail did you continue  
4 to work as an informer?

5           A           No, I didn't.

6           Q           When did you do this snorting while you were  
7 working for the authorities, while in jail?

8           A           No, I didn't.

9           Q           Isn't it a fact that during the past year, while  
10 you were in so-called protective custody, you have been  
11 permitted three to two days a week to snort cocaine?

12          A           I did. As I says, I was working for the people  
13 at the time.

14          Q           Do you recall going to the Bon Soir to see Buddy  
15 Rich?

16          A           Yes, I do.

17                   THE COURT: Mr. Siegal, is this a good place for  
18 a break?

19                   MR. SIEGAL: Any time, Judge.

20                   THE COURT: All right. Ladies and gentlemen,  
21 we will take a 10-minute recess.

22                   (Jury left the courtroom.)

23                   THE COURT: It's now 11.15. I want all the  
24 participants back here at 11.25.

25                   (Recess.)



1 hp7

Stasi-cross

2 (In open court.)

3 MR. ENGEL: Your Honor, the government has one  
4 minor housekeeping detail.

5 Yesterday in our offer of 3500 material as to  
6 Mr. Stasi we omitted one transcript. May Government's  
7 Exhibit 3531 be offered as a tape of a debriefing of Frank  
8 Stasi on May 22, 1974, on reel tape marked M422 and Govern-  
9 ment's Exhibit 3531-A be marked as the transcript of that  
10 tape.

11 Excuse me. That reel tape is 412, your Honor.

12 THE COURT: Did counsel get a copy of the trans-  
13 cript?

14 MR. ENGEL: Yes, your Honor. That was the day  
15 before yesterday.

16 THE COURT: All right. They will be marked.

17 MRS. ROSNER: Your Honor, with reference to  
18 the tapes which your Honor has ruled are not 3500 material,  
19 I envision a difficult problem, your Honor, should this case  
20 get to the Court of Appeals, having the Court listen to these.

21 I would move, your Honor, that these be transcribed  
22 by the Southern District Court Reporters at the defense's  
23 expense and sealed so that if we are in the posture of  
24 appealing on this point there is a record --

25 THE COURT: Mrs. Rosner, we will take that up

1           hp8                               Stasi-cross

2           after.    That is something that is pure housekeeping.   It  
3           will be taken care of later.

xx   4                       (Government's Exhibits 3531 and 3531-A  
5           marked for identification.)

6                       (Jury present.)

7                       THE COURT:   All right, Mr.Siegal.   You may pro-  
8           ceed.

9           BY MR. SIEGAL:

10           Q        I think you told us yesterday, Mr.Stasi, that  
11           whenever you went to the Lo Piccolo Mr. Tramunti was there,  
12           is that correct?

13           A        I did.

14           Q        Tell us, what is this Lo Piccolo?   Is that a club  
15           of some sort or what?

16           A        It's an espresso and they gamble and play cards.

17           Q        What kind of cards? Any particular game?

18           A        Short cards, Ziganet.   Short cards, like they play  
19           pinochle.

20           Q        Do they play that there practically every day?

21           A        I would say so.

22           Q        What is this Ziganet you were talking about, what  
23           is that?

24           A        It's an Italian game.

25           Q        How many people participate in that game when it's  
                  being played?   A   I would say about eight people.



2

Q And who runs that game, as far as you know?

3

A As far as I know, I would say Carmine Tramunti.

4

Q And just tell us a little bit, how is that

5

done? How does he get money out of that game or

6

how does anybody get money out of the game?

7

A There's someone in the box that takes out the

8

cards. Ten per cent is taken out.

9

Q Yes.

10

A Every time there's so much money in front,

11

Carmine would pick it up.

12

Q I see. And did you ever play there?

13

A I did, one time.

14

Q Often?

15

A One time.

16

Q Is that the time you lost some money?

17

A That's right.

18

Q And how much did you lose, by the way?

19

A Seven hundred.

20

Q What were you doing for a living besides nar-

21

cotics on that day, if anything?

22

A What was I doing?

23

Q Yes.

24

A Taking numbers.

25

Q Taking numbers?

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Stasi-cross

509

A That's right.

Q How long had you been taking numbers?

A Since I was up in the Bronx.

Q How long is that?

A I would say about three or four years.

Q Were you ever told by Mr. Tramunti not to take  
any numbers in the Lo Piccolo?

A I was.

Q And when was that, sir?

A I don't remember.

Q He told you he didn't want anything like that  
to occur at his club, is that right?

A He did.

Q And how long have you known Mr. Tramunti?

A I would say since I started hanging up in the  
Lo Piccolo.

Q How long is that?

A I would say maybe about two years.

Q And did you ever talk to Mr. Tramunti about  
narcotics?

A No, I never did.

Q Did you ever use the word "narcotics" with Mr.  
Tramunti?

A No, I didn't.



1                   Q     Did he ever talk to you about narcotics?

2                   A     Never did.

3                   Q     Did you ever deliver any narcotics for him?

4                   A     I never did.

5                   Q     Did he ever ask you to pick up any narcotics?

6                   A     No, he didn't.

7                   Q     Did he ever ask you to deliver any money in pay-  
8                   ment of narcotics for him?

9                   A     Never did.

10                  Q     Did he ever ask you to go and pick up some money  
11                  for him for narcotics?

12                  A     Never did.

13                  Q     Did he ever tell you that if any people were  
14                  in that Lo Piccolo who were associated with narcotics he  
15                  wanted them thrown out?

16                  A     Never said it to me.

17                  Q     Did you ever hear him say it to anyone in your  
18                  presence?

19                  A     Not while I was there.

20                  Q     During the time that you were there you were  
21                  involved, were you not, in narcotics?

22                  A     Yes, I was.

23                  Q     And did you ever say to Mr. Tramunti, "I want you  
24                  to know, my business is that of narcotics"?     Did you  
25

1  
2 ever say that to him?

3 A Am I supposed to advertise what I do?

4 Q I am asking you if you would tell that to Mr.  
5 Tramunti?

6 A I didn't say anything like that to him.

7 Q All right. Now, I believe you told us the  
8 other day about some conversation that supposedly took  
9 place at the Lo Piccolo, do you remember that?

10 A Yes, I do.

11 Q And I believe you told us first that you had  
12 gone to the Bon-Soir with some people, is that correct?

13 A I had what?

14 Q You went to that Bon-Soir to hear Buddy Rich?

15 A I did.

16 Q And you went there with some people, is that  
17 correct?

18 A I did.

19 Q And how many people would you say were at the  
20 table?

21 A You want me to say it again?

22 Q Tell me.

23 A Well, there was Vinnie DiNapoli with his wife.

24 Q Yes?

25 A There was a younger brother with his girl.



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Stasi-cross

512

Q Yes?

A There was a sister with the husband?

Q Yes?

A And two escorted females -- unescorted females.

Q And where were you sitting with relation to where Mr. Tramunti was sitting?

A Alongside of him.

Q Right alongside of him?

A That's right.

Q No young lady in between?

A In front.

Q But no young lady in between?

A In front.

Q You are sure about that?

A Positive.

Q And that engagement of Buddy Rich was on February 12th, was it not?

A 1973.

I don't know the date.

Q If I told you it was February 12, 1973, would you accept my word?

MR. PHILLIPS: Objection.

THE COURT: Mr. Siegal, you are not going to testify in this case.

1                   Q       Did you ever let Whalen know that in the  
2  
3       early afternoon of February the 12th, 1973 you were  
4       invited by Vinnie DiNapoli to go to the Bon-Soir that  
5       evening to listen to Buddy Rich?

6                   A       It was in the afternoon.

7                   Q       Yes.     That's when he told you?

8                   A       That's right.

9                   Q       But when you listened and enjoyed yourself  
10       hearing Buddy Rich, that was at night, correct?

11                  A       That's right.

12                  Q       And it was then at the Bon-Soir where you had  
13       a conversation with Mr. Tramunti, isn't that right?

14                  A       That's right.

15                  Q       And in that conversation I believe you told  
16       us that it referred to a conversation that you say you  
17       overheard at the Lo Piccolo, isn't that correct?

18                  A       That's right.

19                  Q       Now, that conversation that you say you  
20       overheard at the Lo Piccolo was about one week, was it --

21                  A       Two weeks, I said.

22                  Q       It was two weeks before the Bon-Soir situation,  
23       is that right?

24                  A       When I heard the conversation.     It was two  
25       weeks before someone went to jail.



Q Now, just a minute --

A Well, that's how I can remember my story.

Q Is that the only way you can remember your story?

A That's right.

Q Have you been given a story to memorize?

A No, I haven't. That's my story. I'm not a genius at remembering dates.

Q I don't want you to be a genius. I merely want to get your recollection as to dates.

A That's how I know it.

Q You remember Lieutenant Whalen?

A I do.

Q Did you tell him that you overheard a conversation at Lo Piccolo Espresso Club in the early part of February, 1973?

A I did.

Q And didn't you also tell him that you went to the Bon-Soir on February the 12th, 1973?

A I don't remember saying what time, when I went.

Q Now, would you be good enough to tell us the circumstances under which you overheard a conversation at the Lo Piccolo?

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mpa

Stasi-cross

515

2

A When I walked in, into the Lo Piccolo.

3

Q Were any people there?

4

A Those people playing cards.

5

Q A lot of people or some people or what?

6

A Some.

7

Q About how many?

8

A I would say five, six.

9

Q Was Tramunti playing cards?

10

A No, he wasn't.

11

Q Where was he when you walked in?

12

A A little before the men's room.

13

Q And where is the men's room with relation to

14

the door as you walk into the Lo Piccolo?

15

A All the way in the back.

16

Q And you went to the men's room?

17

A I did.

18

Q Was it for any natural reasons that you went

19

to the men's room?

20

A I had to go.

21

Q To take a snort, cocaine?

22

A No, I don't snort inside places.

23

Q Wha?

24

A I snort where I hang out, meaning bars and

25

places that way, with a woman that I'm with.



1  
2 Q May I have that answer again?

3 A I go to bars with different friends of mine  
4 and I snort there, and when I am with lady friends I snort  
5 with them.

6 Q That's when you snort?

7 A That's right.

8 Q But not at the Lo Piccolo?

9 A No.

10 Q Just before you got to Lo Piccolo where had  
11 you been?

12 A At my apartment.

13 Q Did you snort at your apartment?

14 A I don't snort at my apartment.

15 Q You don't do it there?

16 A No.

17 Q Don't you keep a little bit of cocaine in your  
18 apartment for your own personal use?

19 A I only keep it when I get it for somebody else.

20 Q Don't you buy it for yoursewlf?

21 A I do occasionally.

22 Q During that same year how much would you say  
23 you spent for cocaine per month?

24 A I didn't spend that much.

25 Q I didn't say what amount. How much?

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Stasi-cross.

517

A I couldn't tell you?

Q No idea.

A I have no idea. I can't keep figures of what I do.

Q Enough to support a habit of three times a week?

A I used to get it for nothing.

Q You used to get it for nothing?

A That's right.

Q Were you earning any money at that time?

A I said before I was taking numbers.

Q While you were in custody?

A Not while I was in custody.

Q While you were in custody?

A I retract that. I was taking numbers, yes.

Q You were taking numbers?

A That's right.

Q You made a little money?

A Yes.

Q And you used it to buy cocaine, is that correct?

A No, I didn't.

Q What did you use the money for?

A For expenses for myself.

Q The day you went to Lo Piccolo, what time of



the day was it?

A I would say around 2:30.

Q In the afternoon?

A In the afternoon.

Q And people were there in the afternoon playing cards?

A That's right.

Q And you went to the men's room?

A Yes.

Q And when you went to the men's room were you in a hurry to get there?

A I had to go, as I said before.

Q I asked you if you were in a hurry to get to the toilet.

A There was no hurry.

Q No hurry at all?

A That's right.

Q Just walked in slowly?

A That's what I did.

Q And when you walked in, you saw Mr. Tramunti?

A I did.

Q Talking to somebody?

A I did.

Q And where were they in relationship to your path

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Stasi-cross

519

to the toilet?

A Not too far from the men's room.

Q Not too far from the men's room. Give us  
an idea in this courtroom where they were and where you  
were when you overheard this conversation.

A I passed by.

Q You passed by them?

A That's right.

Q Was there any talking going on besides theirs  
in the room by the card players?

A There was no noise while they were playing.

Q None at all?

A No.

Q Was there a radio in the place?

A I don't know if it was playing.

Q But is there one?

A There is one.

Q All right. Now, when you walked past Mr.  
Tramunti -- and who was the other gentleman?

A Gigi Inglese.

Q Were they facing you as you approached them?

A Carmine was this way (indicating) and Gigi was  
alongside of him (indicating).

Q Well, was one of their faces towards you or



were the backs toward you?

A I could see both faces.

Q You could see both faces?

A A little bit on the slant.

Q So that you were going in the direction towards their faces, is that correct?

A Yes, I would say so.

Q And would you say that they could see you as you were walking in?

A I don't know.

Q But they were looking in your direction as you were approaching, is that correct?

A I don't know.

Q Well, you had to pass them, didn't you, in order to go to the toilet?

A Yes.

Q Now, when you got within five feet of Mr. Tramunti and the other gentleman, what did you hear, if anything?

A I heard Gigi Inglese tell Carmine Tramunti, I am going to get some goods. I need some money."

Q And you heard that from five feet away, is that correct?

A I didn't say five feet.

Q I asked you, what did you hear when you got

1 to within five feet of those men? Did you hear any-  
2 thing from five feet away?  
3

4 A I says when I passed alongside of them.

5 Q Well, I am asking you, before you passed  
6 alongside of them, when you approached them and you were  
7 within five feet of the two men, what did you hear, if  
8 anything?

9 A I don't know. They were talking.

10 Q Did you hear anything?

11 A I heard them when I passed them, as I said.

12 Q But not before, is that right?

13 A As I passed them by.

14 Q And as you passed them by, let's say that  
15 I am Tramunti facing you. How close to me would you  
16 be when you heard the conversation?

17 A I rubbed almost against Gigi Inglese when I  
18 passed.

19 Q Rubbed almost --

20 A Yes.

21 Q And they continued the conversation, is that  
22 correct?

23 A I didn't say they continued the conversation.  
24 They had stopped.

25 Q But you heard a conversation?



1  
2 A I did.

3 Q And you heard somebody saying something,  
4 is that correct?

5 A I did.

6 Q Now tell us, please, what was said?

7 A Gigi Inglese told Carmine Tramunti, I'm going  
8 to get some goods. I expect some money -- I need  
9 some money."

10 Q What did Mr. Tramunti say?

11 A He just nodded his head and he put his  
12 hands out like this.

13 Q What?

14 A He put his hands like this.

15 Q Prior to today -- I think this is February the  
16 1st, 1974 -- had you told any police officer, any nar-  
17 cotics agent, that Mr. Tramunti had nodded his head and  
18 had made a sign with his hand like this?

19 A I don't recall -- yes, I did.

20 Q Tell us to whom?

21 A I don't know what officer I told. I was with  
22 so many officers I don't know which one that I had told  
23 it to.

24 Q Did you tell it to Mr. Whalen?

25 A I don't know. I was interviewed by a lot

of officers, so I don't know who I told it to.

Q When you were in custody for the past, what is it, nine or ten months or so, who were you with?

A Lieutenant Whalen.

Q Is he the only one?

A No. I didn't mention the names. I am trying to think about it.

Q Do that?

A Lieutenant Whalen, Sergeant O'Boyle, John and Jerry Sheehan, Detective Wysocki, Connally and Al Cassella. There might have been a few more. I just can't think of the rest of the names.

Q Let me ask you this question, if I may. Just before this conversation at the Lo Piccolo, had you ever heard Mr. Tramunti in his life talk about narcotics?

A I never heard him talk about narcotics.

Q Did you ever before this conversation that you say you overheard ever hear him use the expression "goods" meaning narcotics?

A No, only when I passed by. I never heard it before.

Q Never heard it before, is that right?

A I heard it with people in the place.

Q Yes, other people?



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Stasi-cross

524

A Yes.

Q Lot of people?

A Yes.

Q Yourself?

A I used the word.

Q Of course. You were in the narcotic business,  
is that right?

A I was, working.

Q Did you originally, when you told the story  
on this so-called conversation to the authorities, say  
that what you overheard was the word "goods"?

A Yes, I did.

Q You did?

A That's right.

Q No question about it?

A That's roght.

MR. SIEGAL: I am reading from C-559, Mr.  
Phillips.

MR. PHILLIPS: Thank you. We have it.

MR. SIEGAL: On page 76, about the middle  
of the page, Mr. Phillips.

Q "As I was going there I happened to hear  
Gigi say to Carmine, 'I need some money.'"

Do you remember saying that?

1  
2 A I says "goods."

3 Q I asked you if you heard the words "I need some  
4 money."

5 A He had said that.

6 Q What's that?

7 A Will you rephrase it? Who said that?

8 Q You, sir. "As I was going there I happened  
9 to hear Gigi say to Carmine, 'I need some money.'"

10 MR. PHILLIPS: Your Honor, I object to this  
11 form of cross examination.

12 THE COURT: Would you gentlemen approach the  
13 bench. I am looking at this transcription for the  
14 first time.

15 (At the side bar.)

16 THE COURT: The transcription of this particu-  
17 lar tape on this particular page designates people only  
18 by the word "Voice."

19 MR. SIEGAL: Right.

20 THE COURT: And I can't tell what's a ques-  
21 tion and what's an answer until I have reviewed it for  
22 a couple of minutes.

23 MR. SIEGAL: That's right. I started right  
24 here, to orient the witness. Where he says -- that is  
25 how I tried to orient it.



1  
2 THE COURT: All right, Mr. Phillips.

3 MR. PHILLIPS: We aren't going to dispute  
4 where it says "Voice" opposite where Mr. Siegal just  
5 quoted. It says "Voice."

6 What we dispute is what we contest -- this is  
7 improper cross examination by virtue of Mr. Siegal's failure  
8 to identify the date and the circumstances under which  
9 the interrogation is being made. Merely just to take  
10 this thing and throw it out in that manner -- we object.

11 MR. SIEGAL: This is a recording of cassette  
12 C-559, recording of July 14, 1973 --

13 THE COURT: Ask the witness: "Do you  
14 recall being briefed on July 14th?"

15 MR. SIEGAL: So he is going to say no.  
16 You mean this goes out the window?

17 MR. PHILLIPS: Also, your Honor, the following  
18 "Voice" is also Stasi, who says, "Gigi says to him, 'How  
19 much money do you need?'" And then "He says, 'A little  
20 bit because I expect something.'"

21 The whole thing should be read and Stasi should  
22 be given an opportunity --

23 MR. ROSENBERG: Your Honor, he can read  
24 what he wants to read and he can bring it back on redirect.

25 MR. PHILLIPS: It is confusing the way Mr.

Siegal is cross examining.

THE COURT: This is where you want to start?

MR. SIEGAL: "Going to the men's room."

THE COURT: That is Stasi's voice.

MR. PHILLIPS: The whole thing is Stasi's voice.

THE COURT: The next paragraph is Stasi?

MR. PHILLIPS: Yes, your Honor.

THE COURT: The next paragraph, "Gigi says" -- that's Stasi?

MR. PHILLIPS: Yes. I think everything is Stasi to the word "Yeah."

MR. EPSTEIN: The next voice, "As I was going there" -- that is still Frank Stasi.

THE COURT: At the bottom of page 76, the very bottom --

MR. PHILLIPS: I think that's an agent.

MR. EPSTEIN: Several of these voices are Frank Stasi. He will say something, there will be a pause, and it is still Frank Stasi talking.

THE COURT: That's why I am having so much difficulty.

MR. EPSTEIN: Unfortunately, when a transcription is being made by a private service, they don't know



the voices. If it had been made by the government, they would know the voices.

THE COURT: Are you going to use this transcript again so --

MR. SIEGAL: Yes, from here to here (indicating).

THE COURT: Are you going to use it at some other spot? We can straighten it out now.

MR. EPSTEIN: We will start from the top of page 76, "Voice." In other words, that's a police officer on the top of the page: "After Gigi went into jail."

THE COURT: Are you going into that right now?

MR. EPSTEIN: Not this immediate moment.

THE COURT: All right. I can work out 76.

MR. EPSTEIN: Now, we do intend to go into 77. At the top there's a voice, "narcotics."

There's another voice that says, "A shipment."

We maintain those are interrogators' voices. The next one is Frank Stasi. Then the next voice, "And you, you mentioned about" -- that's an investigator.

"Voice: Goods in that conversation" --

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Stasi-cross

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we maintain that's an investigator.

The next we maintain is Stasi.

The next is an investigator, the next voice,  
"I did mention goods. He did expect something."

That's Stasi. At this juncture there's  
all we expect to use on that page.



(In open court.)

BY MR. SIEGAL:

Q Mr. Stasi, do you remember being debriefed or questioned on July 14, 1973?

A I don't remember the dates.

Q In your interrogation did you say this to the officers, page 76:

"I asked -- like I was going to go to the men's room which is located in the back of the Espresso shop.

"As I was going there I happened to hear Gigi say to Carmine, 'I need some money.'

"Gigi says to him, 'How much money do you need?'

"I says, 'A little bit because I expect something.'"

Do you remember telling that to --

A I don't recall.

Q Do you deny that the word that you overheard was the word "something" and not "goods"?

A I don't recall.

Q Page 77, 5th line down, do you remember being asked, "And you -- you mentioned about," and then the voice said, "Good -- in that conversation," and do you remember you said, "No, he didn't mentioned this," the person you were talking to said "Yes," and you said, "He didn't mention

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Stasi-cross

531

2

goods, he says 'I expect something.'

3

Do you remember saying that to the persons who were interrogating you?

5

A The way I said that, Gigi was expecting something.

7

Q I asked you whether you heard that.

8

MR.PHILLIPS: Objection.

9

Q Didn't you say to the authorities, "He didn't mention goods, he says, 'I expect something.'"

11

Isn't that what you said to the authorities in that debriefing?

13

A I might have been confused.

14

Q Did you have any cocaine in you that day that you were confused?

16

A If I'm being questioned I ain't going to be with cocaine.

18

Q Then you had no right to be confused, isn't that right?

20

MR. PHILLIPS: Objection.

21

THE COURT: That is argumentative, Mr. Siegal. I assume you will withdraw it.

23

MR. SIEGAL: I withdraw it.

24

Q Isn't it a fact that at no time did you ever use the word "goods" until after, until long after you had

25



1 hp3

Stasi-cross

2 gotten a promise from the authorities that you were going to  
3 walk home after this trial?

4 A I did not.

5 Q Weren't you told to substitute the word "goods"  
6 for "something," for the word "something"?

7 A I was not.

8 Q Weren't you told that the authorities wanted to  
9 get Carmine Tramunti?

10 A They did.

11 Q And didn't they tell you, "If we can't get him  
12 for drugs we'll always get him for numbers or policy"?

13 A They didn't say that to me.

14 Q They didn't say that to you?

15 A No.

16 Q But they told you they wanted to get him, is  
17 that correct?

18 A That's right.

19 Q Did you tell the authorities at one time that  
20 this conversation at the Lo Piccollo took place after Gigi  
21 came out of jail?

22 A I did not.

23 Q On April 24th?

24 MRS. ROSNER: Objection, your Honor. May we be  
25 heard at the side bar?

1 hp4

Stasi-cross

2 THE COURT: You want to be heard at the side bar.  
3 I will permit that. Come on.

4 (At the side bar.)

5 MRS. ROSNER: Your Honor, I had hoped that we  
6 could avoid this through some other form of question.  
7 I think it's very prejudicial to my client to have mentioned  
8 that he was incarcerated and I think your Honor's ruling  
9 supports that.

10 I feel I am impelled, your Honor, to move for the  
11 withdrawal of a juror and a declaration of a mistrial.

12 I understand Mr. Siegal's needs, but by the  
13 same token, where a joint trial is caused by the govern-  
14 ment's form of indictment one defendant cannot be prejudiced  
15 because of the other's needs. These men should be severed  
16 so that Mr. Siegal can pursue what he deems to be adequate  
17 cross-examination for his client, but my client should not  
18 be prejudiced by this joinder, your Honor.

19 THE COURT: All right. The motion is denied.

20 (In open court.)

21 THE COURT: Mr. Siegal, I believe we have a pending  
22 question. Do you want that answered?

23 MR. SIEGAL: May we have it repeated?

24 (Question read.)

25 Q On April 24th were you asked this question, page



1           hp5                               Stasi-cross

2           75, at the very bottom.

3                   THE COURT: July 14th.

4                   MR. SIEGAL: I am sorry. July 14th. I need  
5           some new glasses.

6           Q       At the bottom of the page, page 75, "At one time.  
7           What do you mean by one time?"

8                   I will go back three or four lines so that we  
9           get the context.

10                   "I overheard a little bit of a conversation.

11                   "Where?

12                   "I don't know what the -- this means.

13                   "Yes.

14                   "In the Piccolo shop.

15                   "Right.

16                   "At one time. What do you mean by one time?

17                   "In other words, --

18                   "After Gigi got out of jail, before Gigi went into  
19           jail.

20                   "After Gigi had got out of jail.

21                   "On the drunken driving thing.

22                   "On the drunken driver.

23                   "I asked -- like I was going to go to the men's  
24           room which is located in the back of the Espresso shop.

25                   "As I was going there I happened to hear Gigi

1 hp6

Stasi-cross

2 say to Carmine, 'I need some money.'

3 "Gigi says to him, 'How much money do you need?'

4 "I says, "A little bit because I expect some-  
5 thing.'"

6 Is that what you told the authorities on that  
7 date?

8 A I was confused. I might of.

2 9 Q You might of?

10 A Yes, I might of.

11 Q You are not confused today, are you?

12 A No, I'm not.

13 MR. LOPEZ: Your Honor, can we have a concession  
14 from the government that Mr. Siegal --

15 MR. PHILLIPS: Your Honor, I object to any con-  
16 cessions in front of the jury.

17 THE COURT: At this time I am not going to grant  
18 anything. Please restrain yourself if you can.

19 Let's go, Mr. Siegal.

20 Q Do you remember being questioned on July 11 and  
21 12 by the authorities?

22 A Yes, I do.

23 MR. SIEGAL: Page 18, Mr. Phillips.

24 Q "When you were talking -- and say you must have  
25 talked a number of times because you always went to Piccolo" --



hp7

Stasi-cross

MR. PHILLIPS: Mr. Siegal, you are referring to a different transcript now.

THE COURT: Mr. Siegal, I gather you are referring to a different transcript, is that right?

MR. SIEGAL: C476 is the one.

MR. PHILLIPS: Government's Exhibit 3516-A for identification.

MR. SIEGAL: Page 18, Judge.

Q Did you say in that debriefing, "When you were talking" -- you were asked this -- "and say you must have talked a number of times because you always went to Piccolo, you always wound up in there -- did you ever overhear anybody talk to Carmine about anything besides numbers" --

MR. PHILLIPS: Your Honor, I object and I ask to approach the side bar.

THE COURT: All right. Come on up.

(At the side bar.)

THE COURT: I don't know what transcript this is. The transcripts I have, page 18 has nothing about any of this.

MR. PHILLIPS: You don't have the right transcript.

MR. EPSTEIN: You have the wrong transcript, sir. This is 476, your Honor.

1 hp8

Stasi-cross

2 MR. PHILLIPS: Your Honor, Mr. Siegal has not  
3 laid a foundation for this particular question, this  
4 question being "Did you say such-and-such and such-and-such  
5 on such-and-such a date." He has to ask the witness,  
6 first of all, did he ever say this.

7 THE COURT: When is this?

8 MR. EPSTEIN: I think we agree this is July 11  
9 and 12.

10 MR. PHILLIPS: He hasn't shown that this witness's  
11 recollection needs to be refreshed.

12 MR. EPSTEIN: This is an undated tape. We  
13 weren't provided with a date for this, your Honor, and we  
14 certainly can't speculate as to what the date was.

15 MR. PHILLIPS: The date doesn't mean anything.  
16 The point is that the witness's recollection has not been  
17 refreshed.

18 MR. SIEGAL: You want me to orient him first?

19 MR. PHILLIPS: The government is going to object  
20 to any reading from this document until it is shown to be  
21 necessary to refresh his recollection. That hasn't been  
22 shown yet.

23 MR. ROSENBERG: There is an inconsistent state-  
24 ment.

25 THE COURT: There is no necessity to refresh



1 hp9

Stasi-cross

2 recollection.

3 MR. PHILLIPS: He hasn't asked the witness yet  
4 whether he made such a statement.

5 THE COURT: He has testified to it.

6 MR. PHILLIPS: No, he hasn't testified to this  
7 yet. He has not been asked about this.

8 MR. ROSENBERG: Your Honor, on direct --

9 MR. PHILLIPS: I object to Mr. Rosenberg being  
10 involved in this.

11 THE COURT: Oh, no.

12 This is what you want to read?

13 MR. SIEGAL: Right here.

14 MR. EPSTEIN: Yes, sir.

15 THE COURT: All right. We don't have a date for  
16 it.

17 MR. PHILLIPS: I object to the reading of the  
18 transcript. It is the government's position that he should  
19 first ask the witness whether he ever said this. If he  
20 says, "I don't recall," or if he says, "I didn't say it,"  
21 then we get to the transcript.

22 MR. SIEGAL: I think I already questioned him  
23 on whether or not he has ever talked to him about narcotics  
24 or anything. This is a direct inconsistency.

25 MR. PHILLIPS: This question is whether or not

1 hp10

Stasi-cross

2 he ever heard the conversation at Lo Piccolo.

3 MR. EPSTEIN: Which is what he has already testi-  
4 fied to on direct.

5 THE COURT: All right. I will permit it.

6 (In open court.)

7 BY MR. SIEGAL:

8 Q Page 18, Mr. Stasi, were you asked this question:

9 "When you were talking -- and say you must have  
10 talked a number of times because you also went to Piccolo,  
11 you always went to Piccolo, you always wound up in there --  
12 did you ever hear anybody talk to Carmine about anything  
13 besides numbers, anything about goods or anything about  
14 money to back up a big shipment of any kind?"

15 Did you answer "No."

16 Did you give that answer to that question?

17 A Repeat that again.

18 Q The answer was "No."

19 THE COURT: Besides that, complete the answer.

20 Q "No. No, as I say, I don't want to, on my  
21 people or nothing, never. Never heard of it.

22 "Never?

23 "Stasi: No."

24 Did you give that answer to that question?

25 A I don't recall.



1 hp11

Stasi-cross

2 Q Were you asked this question, at the bottom of  
3 page 18:

4 "Or anything that would make you think that  
5 Tramunti was aware (Interrogator talks aside to aide on  
6 another subject.)"

7 MR. PHILLIPS: Your Honor, I object to that.  
8 That is not anything this witness said.

9 MR. SIEGAL: I don't want to be accused of not  
10 reading it.

11 THE COURT: All right. Go ahead, continue.

12 Q Did you say, "Joe, if I heard all these things,  
13 like I say, I know that's what this is concentrating on  
14 and I know that would help a lot, I would tell you."

15 Did you make that answer to that question?

16 A Yes, I did.

17 Q Were you asked this question and did you make  
18 this answer:

19 "You may have heard something, you never know.

20 "Like, again, couldn't I lie about it and say  
21 yes, I heard him talk about junk, where he got it from?  
22 Don't I know that would help a lot? Or do you want me to  
23 say something that I didn't hear?"

24 A I did.

25 Q Then the voice that was interrogating you said,

1 hp12

Stasi-cross

2 "No, no," and you said, "Joe, so could I express it that way  
3 then? If I didn't hear it, I didn't hear it."

4 Isn't that the answer you made to that question?

5 A I did.

6 Q You knew, did you not, when you were dealing  
7 in narcotics that you were subject, if convicted of a crime,  
8 to going to jail? You knew that, did you not?

9 A I did.

10 Q You don't expect to go to jail, do you, after  
11 this testimony?

12 A I don't know.

13 Q Were you ever promised by the authorities airline  
14 tickets?

15 A Yes, I did.

16 Q Were you ever promised by the authorities a pot  
17 of gold?

18 A I didn't hear that word.

19 Q You didn't hear it, you never heard the word a  
20 pot of gold?

21 A I heard a pot of gold. You just says airline  
22 ticket. That's what I understood.

23 Q What did you understand?

24 A You says airline ticket, did someone say airline  
25 ticket.



hpl3

Stasi-cross

Q Yes.

A I heard that. I didn't hear pot of gold.

Q And you were promised airline tickets?

A I was.

Q Were you going to use those tickets in jail?

MR. PHILLIPS: Objection, your Honor.

THE COURT: Sustained. Come on, Mr. Siegal.

Save something for your summation.

MR. SIEGAL: I will have plenty there, Judge.

Q Do you recall, Mr. Stasi, being questioned on July 10, 1973?

A Yes.

Q Page 26, do you recall being --

THE COURT: Hold on for a minute. I can't find it.

MR. SIEGAL: Page 26 of C515.

MR. PHILLIPS: Your Honor, Government's Exhibit 3513-A for identification.

MR. SIEGAL: May I proceed, Judge?

THE COURT: Not yet.

Q Were you asked this question, "And then you're going to take your chances in the Big House," and did you answer "No."

You remember that?

1           hp14                               Stasi-cross

2           A           Repeat that.

3           Q           "And then you're going to take your chances in  
4 the Big House" and you said, "No."

5           A           I don't recall.

6           Q           And did you hear this, "All right, Frank, now,"  
7 and you said, "I don't want to go there."

8                       Do you remember saying that?

9           A           I did.   At all times I did.

10          Q           And then the voice said, "Yes," and you said, "I'm  
11 not going to take my chances."

12                      The voice said, "If you go with us," and you said,  
13 "I don't want to go there."

14                      Do you recall that conversation?

15          A           I don't recall.

16          Q           Do you recall the interrogator saying, "If you  
17 go with us all the way," and you said, "That's what I'm  
18 doing."

19                      You remember saying that?

20          A           Yes, that I was going to cooperate.

21          Q           And did he say, "Like he said, all the way, if  
22 you go with us all the way," and you said, "Yes."

23                      You remember that?

24          A           Yes.

25          Q           And the voice said, "Here's what you got to look





forward to," and you said, "Yeah."

You remember that?

A Well, go ahead, continue.

Q Do you remember that part?

A Yes.

Q And the voice said, "A nice relaxing month or so here with us for company, keeping good, maybe no broads, but you," do you remember that, and you said, "All right, I don't care."

Do you remember that?

A Yes.

Q And do you remember this, "Second, a pot of gold and an airplane ticket, where you want to go, and a new identity, and you'll be as safe as if you were in your mother's arms," and you said, "Yes."

A I did.

Q So you now recall, do you not, the pot of gold that was talked about?

A I don't remember the pot of gold. The airline ticket --

Q Did they tell you at any time how much was in that pot of gold?

MR. PHILLIPS: Objection, your Honor.

THE COURT: I will sustain it.



hp16

Stasi-cross

Q Did they tell you where the airline tickets were for?

A No.

Q Did you ask them?

A All I know, what they say to me, I don't believe what they say. It's not for them to decide who is going to take care of me. It's up to the Judge.

Q Who told you to say that?

A I'm saying that. I'm saying that.

Q Do you remember being asked some questions on May 22, 1973?

MR. PHILLIPS: Mr. Siegal, would you refer to the government exhibit number?

MR. SIEGAL: 3531-A, page 26.

MR. PHILLIPS: That is M412, your Honor.

Q Do you remember asking this question, Mr. Stasi, "How do I know you're going to let me off," and your interrogator saying, "How do I know? Let's -- you start asking me the questions. That's all I want you to do."

MR. PHILLIPS: Your Honor, I object. May we approach the side bar?

THE COURT: Yes.

(At the side bar.)

MR. PHILLIPS: Your Honor, again, the witness

1 hp17

Stasi-cross

2 should at least be given some type of foundation so that he  
3 understands what the question comes from.

4 Mr. Siegal is jumping from transcript to  
5 transcript. The voices aren't identified. This particular  
6 time occurred in May of 1973, well before the July inter-  
7 rogation, before he went to jail. It was in Frank Rogers'  
8 office and it was the day that he was arrested.

9 I think that the witness should be at the very  
10 least advised of the circumstances so that he understands.

11 MR. SIEGAL: This is a conversation with Mr.  
12 Rogers.

13 MR. PHILLIPS: There is no foundation anyway  
14 that is laid for the question to be asked.

15 THE COURT: Why don't you at least ask, "Do you  
16 remember a conversation that you had with Mr. Rogers?"

17 MR. SIEGAL: All right, I will ask him that.

18 MR. PHILLIPS: There is also no evidence that  
19 this witness needs his recollection to be refreshed.

20 There has been no foundation laid.

21 MR. EPSTEIN: It's an inconsistency. He testified  
22 yesterday no promises were made to him. Here he is being  
23 told he is being let out. That doesn't sound like a sentence  
24 of 25 years to life.

25 MR. SIEGAL: On the next page is the answer.



1      hp18      Stasi-cross

2 That is as far as I am going.

3 MR. EPSTEIN: It's about the first sentence on  
4 page 27, your Honor.

5 MR. SIEGAL: That is as far as I am going, the  
6 first line.

7 MR. EPSTEIN: And that voice we can identify as  
8 being Mr. Frank Rogers.

9 THE COURT: I don't think you need to identify it  
10 as anyone.

11 MR. SIEGAL: That is the reason I kept the name  
12 out.

13 MR. EPSTEIN: If the government wishes we will  
14 identify it.

15 MR. SIEGAL: I didn't see any reason for that.

16 THE COURT: Identify it as --

17 MR. SIEGAL: Some interrogator.

18 MR. PHILLIPS: I think it should be identified.  
19 I think the circumstances should be identified.

20 This witness has been focussed into these inter-  
21 rogations that took place in July and all of a sudden he  
22 jumps to May.

23 MR. EPSTEIN: Do you want it identified as an  
24 interrogator or do you want it identified as Frank Rogers?

25 MR. PHILLIPS: I want it identified as the day

1 hpl9

Stasi-cross

2 that he was arrested, the same day that he was arrested,  
3 that it was in Frank Rogers' office, that Frank Rogers was  
4 there with Mr. Miller, along with other law-enforcement  
5 personnel.

6 MR.SIEGAL: All right, if that is what you  
7 want.

8  
9  
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25



(In open court.)

Q Do you remember being questioned on May 22nd, the day that you were arrested, by Mr. Rogers, Mr. Miller and others?

A Yes, I do.

Q And do you remember your asking them this question, "How do I know you are going to let me off?" and the answer, "How do I know? Let's -- you start asking me the questions, that's all I want you to do." And do you remember saying, "How do I know you are going to let me off?" and the voice who was interrogating you said, "Okay, because I say so. And it will happen"?

Do you recall that?

MR. PHILLIPS: Your Honor, that's not the entire answer to that question. I would ask that the entire answer be read.

THE COURT: All right. Let me read the rest of it.

MR. SIEGAL: I submit, if your Honor please, if they want to fill it out, they can fill it out.

Do you want me to read the next paragraph, Mr. Phillips?

THE COURT: Read it.

Q "Now, how do you want to be let out? Do





A F T E R N O O N   S E S S I O N

2.00 P.M.

(In the absence of the jury.)

THE COURT: Mr. Curran, I understand at my request you have prepared a copy of Government's Exhibit 1 without any writing on the back; is that correct?

MR. CURRAN: Yes, your Honor. At that time the request was, without any writing on the back or front, and I now have that, and I believe it was deemed marked by your Honor as Government's Exhibit 1-A.

THE COURT: If the jury wants to see it, that is the one that will be shown to the jury.

MR. CURRAN: On Government's Exhibit 1, your Honor, in order to eliminate the numbers, they had to take them off to make the copy, and we had to put the numbers back. Otherwise we could not have come up with a totally clean copy.

I just state that for the record.

MR. RICHMAN: Your Honor, Mr. Warner will be delayed for a few minutes. With Mr. Ceriale's consent and my client's consent, I will represent Mr. Ceriale until Mr. Warner returns.

(Jury in box.)

1 pp2

2 F R A N K S T A S I, resumed.

3 CROSS EXAMINATION

4 BY MR. FISHER:

5 Q Mr. Stasi, I am Ivan Fisher. I represent the  
6 defendant Christiano, who is also called Finnegan.

7 Will you tell us, sir, when you were born?

8 A September 28, 1920.

9 Q And you have a daughter?

10 A I do.

11 Q And when was she born?

12 A Columbus Day.

13 Q What year?

14 A I couldn't tell you.

15 Q You don't remember the date?

16 A I know she's 25 years old.

17 Q She's 25. Do you have a son?

18 A I do.

19 Q And when was he born?

20 A May -- May 17th. He's 24.

21 Q And you were married at some point?

22 A I was.

23 Q And do you recall the date of your anniversary?

24 A I don't.

25 Q You don't?



pp3

Stasi-cross

1           A       September, I think. I'll retract it. September  
2 the 23rd. September 23rd.

3           Q       September 23rd. You do remember that date?

4           A       Yes.

5           Q       So the dates of significance in your life you  
6 are able to remember; is that right?

7           A       I don't remember all dates.

8           Q       The significant ones you remember?

9           MR. PHILLIPS: Objection as argumentative, your  
10 Honor.

11           Q       Are some of the significant dates in your life --  
12 THE COURT: Hold on.

13           A       How much --

14           THE COURT: Hold on. We have an objection.

15           He has testified he recognizes certain dates.

16           MR. FISHER: Remembers, your Honor.

17           THE COURT: Remembers. I am sorry. And you  
18 say that they are the only significant dates?

19           MR. FISHER: I am asking, your Honor.

20           THE COURT: I don't think they are the only  
21 significant dates. You are getting into an argument with the  
22 witness, and we don't need that.

23           Go on.

24           Q       Those dates you would regard as significant in  
25

pp4

Stasi-cross

your life, would you not: the date you were born, the date you got married, the date your children --

A Yes.

Q And you are able to remember those?

A I don't remember every one you had asked me.

I says there are certain ones that I would remember, and I'll tell you the ones I would remember: my mother's birthday is on Washington's Day, and that I would remember. My daughter's is on Columbus Day, and that --

MR. FISHER: I move to strike the answer as unresponsive.

THE COURT: No --

MR. PHILLIPS: If your Honor please --

THE COURT: It is responsive, but we don't need to continue on with it. Go on to the next question.

Q Now, there came a time, did there not, when you began to deal in narcotics; is that right?

A That's right.

Q Wouldn't you regard that as a fairly significant event in your life, sir?

A Yes.

Q And you don't remember what month?

A I don't.

Q And there came a time, you tell us, when you first



1 pp5

Stasi-cross

2 mixed 3 kilograms of heroin; is that right?

3 A I wouldn't remember --

4 Q And you can't tell us within three months when  
5 that occurred?

6 A I didn't think that was important, because if I  
7 knew that, I would make a diary of everything.

8 Q Mr. Stasi, if you can, with respect to all of my  
9 questions, say yes or no. If you can't answer fairly yes  
10 or no, please advise us, and we will proceed accordingly.

11 A I'm sorry.

12 Q Mr. Stasi, there were eight separate times when  
13 you mixed heroin; is that right?

14 A That's right.

15 Q And on each of those occasions you were paid  
16 substantial amounts of money?

17 A That's right.

18 Q And none of these occasions can you fix for us  
19 within three months; is that right?

20 A That's what I would feel. It would happen within  
21 that time.

22 Q You recall, however, the date of your arrest,  
23 May 22, 1973; right?

24 A I'm not even sure of that.

25 Q You recall being arrested?

pp6

Stasi-cross

1  
2  
3 A Yes; I do.

4 Q You recall meeting with Frank Rogers?

5 A I do. I don't know the date.

6 Q Frank Rogers was introduced to you as the chief  
7 of all narcotics prosecutions for the City of New York;  
8 isn't that right?

9 A Right.

10 Q And you recall being brought to a room in the  
11 Federal Court House on the day of your arrest?

12 A Yes; I do.

13 Q And you recall being in the company of five members  
14 of the prosecution team; isn't that right?

15 A Yes.

16 MR. PHILLIPS: Your Honor, I --

17 THE COURT: Well, let's identify the five members  
18 of the prosecution team.

19 MR. FISHER: All right, your Honor.

20 Q You recall that Frank Rogers was there; is that  
21 right?

22 A I do.

23 MR. PHILLIPS: Also, I object to the question  
24 before that, which was misleading, as to where he was taken  
25 to. He was not taken to the Federal Court House.

MR. FISHER: The Federal Court House? Did I say



pp7

Stasi-cross

Federal Court House? I am sorry. That is withdrawn.  
That was misspoken.

Q You were taken to a room in the Federal Office Building, 26 Federal Plaza?

A I don't know the number of the building. I was taken to some building. I don't know what building it was.

Q In any event, Frank Rogers was there?

A That's right.

Q And another Assistant District Attorney, Miller, was there?

A That's right.

Q And there were about three police officers there; right?

A Yes.

Q And it was just you in addition; isn't that right?

A That's right.

Q You had no lawyer?

A No lawyer.

Q No friends?

A That's right.

Q Just you against them; right?

A That's right.

MR. PHILLIPS: Objection.

pp8

Stasi-cross

THE COURT: I would agree. I don't think that's necessary at all, Mr. Fisher.

Q The first thing you were told, Mr. Stasi, was that you had a chance to help yourself; is that right?

A That's right.

Q And that your chance to help yourself depended upon the extent to which you cooperated with these members of law-enforcement; is that right?

A I didn't -- I didn't do it at the very beginning.

Q Mr. Stasi, you were told, were you not, that the extent to which you could help yourself depended on how well you cooperated with them; isn't that right?

A That's right.

Q The better the job you did, the better the job they would do for you, right?

A They didn't say, "The better the job." They kept -- I kept saying, "I don't want to. I want to see my lawyer."

Q And you were told, of course, that they could do things for you; isn't that right?

A I don't recall that.

Q You were told, were you not, that you were in part because you had been involved in a direct sale case?



pp9

Stasi-cross

1  
2 A I was told that.

3 Q And you understood what a direct sale case was  
4 all about, didn't you?

5 A Yes.

6 Q That was where the defendant sells a quantity of  
7 narcotics to an undercover officer; right?

8 A Yes.

9 Q And from your experience in the narcotics  
10 trafficking business, you knew that that was a very difficult  
11 case to beat; isn't that right?

12 A I would imagine so.

13 Q And even if you didn't know it, they told you  
14 your chances of winning were 99 to 1 against you; right?

15 A I don't recall that.

16 Q You recall being interrogated, though; is that  
17 right?

18 A What does that mean?

19 Q You recall, do you not, that there was a tape  
20 - recorder being played?

21 A I didn't know about it.

22 Q You didn't know that?

23 A No.

24 Q In any event, you recall being told the follow-  
25 ing --

1 ppl0

Stasi-cross

2 MR. PHILLIPS: Are you referring to an exhibit?

3 MR. FISHER: Page 14, Exhibit 3531-A, if your  
4 Honor please, May 22, 1973, transcript.

5 Q "And while you sit in the Toombs, because we  
6 intend to ask for no bail and will get it, and while you sit  
7 in the Toombs, Hill" -- referring to your lawyer that you  
8 might get -- "go through the motions and you pay him a fee,  
9 et cetera"; right?

10 MR. PHILLIPS: Your Honor, I object, unless this  
11 entire paragraph is read.

12 THE COURT: Well, I would like to find the  
13 transcript, myself, so I can find out what is going on.  
14 Is there a cassette number on it?

15 MR. FISHER: Yes, your Honor.

16 THE COURT: What is the number?

17 MR. FISHER: M-412.

18 THE COURT: What is the page?

19 MR. FISHER: 14, your Honor. I am beginning in  
20 the the middle of the last paragraph on that page.

21 Your Honor, may I do this? May I withdraw the  
22 question?

23 THE COURT: Surely.

24 Q I show you what has been marked as 3531-A for  
25 identification. I direct you to page 15, the top paragraph.



1 pp11 Stasi-cross

2 I would ask you to read where I have a red clip, and I ask  
3 you if that refreshes your recollection as to whether or  
4 not you were told your chances of beating the case were  
5 99 to 1 against you?

6 A From the bottom of the red --

7 Q I have a red mark there, Mr. Stasi, right next --

8 A I do.

9 Q Now, Mr. Stasi, having read that, does that  
10 refresh your recollection --

11 A Yes; it does.

12 Q And you were told, were you not, that your chances  
13 of winning the case were 99 to 1 against you; is that right?

14 A Yes.

15 Q So you knew, to put it in simple language, you  
16 were in a terrible fix; isn't that right?

17 A Yes.

18 Q You were also told, were you not, what the  
19 penalties were?

20 A I don't --

21 Q For a direct sale case?

22 A I don't recall.

23 Q You knew you had sold one pound of narcotics;  
24 isn't that right?

25 A Could I say something too, now?

1 ppl2

Stasi-cross

2 Q I am asking you a question.

3 A Well, I'll answer you.

4 THE COURT: No, no, Mr. Stasi. Just answer the  
5 question.

6 Q On May 22nd, you knew right then and there, as you  
7 were sitting there, did you not, that you had sold a pound  
8 of narcotics to Allie Boy?

9 MR. PHILLIPS: Objection. May we approach the  
10 side bar, your Honor?

11 THE COURT: All right.

12 (At the side bar.)

13 MR. PHILLIPS: Your Honor, Stasi is indicted in  
14 the State Court for what they refer to as two B felonies,  
15 under a pound, the weight, the amount of narcotics sold to  
16 Al Cassell, the undercover agent, which was less than a pound,  
17 so I think the question posed by Mr. Fisher is misleading.

18 THE COURT: You can rephrase it.

19 MR. FISHER: I should tell you, Judge, that the  
20 transcript reflects that he was nevertheless told that he  
21 sold a pound, and I will put the question in those terms.

22 (In open court.)

23 Q Mr. Stasi, you were told then and there, were you  
24 not, that you sold Allie Boy a pound of heroin?

25 A I don't recall.



pp13

Stasi-cross

Q I show you Exhibit 3531-A, page 8, and I refer you to the printing that appears next to the red index, and I ask you to read it and tell us whether or not that refreshes your recollection as to whether or not you were told you were there because you had sold a pound of heroin.

Have you read it, sir? Is your recollection refreshed?

A Yes; I do.

Q You were told that; right?

A Yes.

Q You were told, were you not, that that made you subject to a term of imprisonment beginning with 15 years and possibly end with life; isn't that right?

A That's right.

Q And you were told that's not all; true?

A I don't know.

Q There was a second sale, wasn't there, that was discussed?

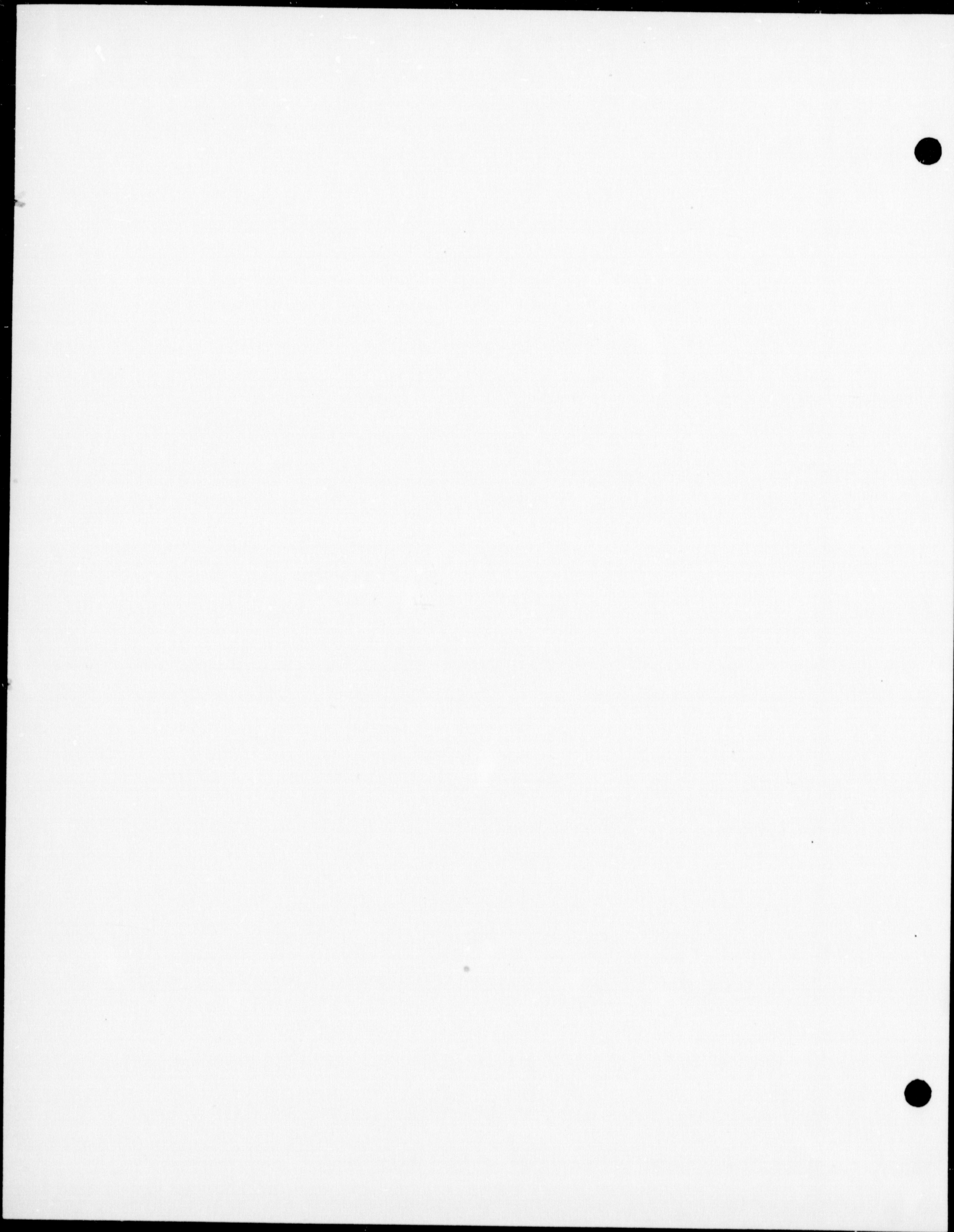
A Yes.

Q A lesser amount, perhaps; isn't that right?

A I don't know what it was.

Q And they told you that could be the same thing all over again, another 15 to life; isn't that right?

A That's right.





1 ppl4 Stasi-cross

2 Q And they told you that could mean you wouldn't  
3 see the Parole Board, wouldn't see the Parole Board until  
4 30 years had gone by in jail; isn't that right?

5 A That's right.

6 Q And they mentioned your son and your daughter;  
7 right?

8 A They didn't mention my -- I don't recall that.

9 Q They reminded you that you were 52 years old;  
10 isn't that right?

11 A Yes.

12 Q You would have been 82 years old before you ever  
13 saw the Parole Board?

14 MR. PHILLIPS: Objection. It's argumentative.

15 THE COURT: I don't think it is necessary, Mr.  
16 Fisher. I will sustain the objection.

17 Q You were told, "You have to make up your mind  
18 tonight, Frank"; is that right?

19 A And I kept saying, "I want to see my lawyer."

20 Q Mr. Stasi, I asked you: you were told, were  
21 you not, that "You have to make up your mind tonight";  
22 isn't that right?

23 A Yes.

24 Q And after all of that, Mr. Stasi, you asked them,  
25 "How do I know you are going to let me off?" Isn't that

1 pp15

Stasi-cross

2 right?

3 A I did.

4 Q You say you had your wits about you; isn't that  
5 right?

6 A Yes.

7 Q You were still waiting for the alternatives;  
8 right?

9 MR. PHILLIPS: Objection as argumentative, your  
10 Honor.

11 THE COURT: Sustained. Go ahead.

12 Q As you sat there, Mr. Stasi, you were asking  
13 yourself, were you not, "How good a case do they have against  
14 me for real?"

15 MR. PHILLIPS: Objection as argumentative.

16 THE COURT: It is. Go ahead, Mr. Fisher.

17 Q You were wondering what kind of cooperation  
18 they could get away with giving you; is that right?

19 MR. PHILLIPS: Objection as argumentative.

20 THE COURT: It is argumentative, Mr. Fisher.  
21 You know better than that.

22 MR. FISHER: If your Honor please, I don't know  
23 any better, and I submit these are perfectly proper ques-  
24 tions.

25 THE COURT: Well, try again.



pp16

Stasi-cross

1  
2 A In any event, Mr. Stasi, there came a time when  
3 you decided to cooperate; isn't that right?

4 A That's right.

2 5 Q And that occurred on May 22, 1973, the night of  
6 your arrest; right?

7 A Well, if it's May 22nd, it must be.

8 Q The night of your arrest?

9 A I don't remember the date.

10 Q And you decided to cooperate, did you not,  
11 because suddenly it occurred to you what a terrible life  
12 you had been leading; right?

13 A I don't understand that question.

14 Q The reason you decided to cooperate, Mr. Stasi,  
15 was because suddenly you realized what a terrible thing it  
16 was that you had been doing: dealing in narcotics; right?

17 A That's right.

18 Q And suddenly it occurred to you that you ought  
19 to make amends to society for your crimes; right?

20 A I felt that way.

21 Q The reason you decided to cooperate, Mr. Stasi,  
22 is because Allie Boy, the man you sold the narcotics to,  
23 like a ghost, came into that room; isn't that right?

24 MR. PHILLIPS: Objection to the form of that  
25 question, your Honor.

1  
2 THE COURT: Yes. I will sustain it.

3 Q You didn't tell them a thing, Mr. Stasi, did you,  
4 until Allie Boy was produced, like a ghost from the past,  
5 did you?

6 MR. PHILLIPS: Objection to the form of that  
7 question.

8 THE COURT: I will sustain it.

9 Q And after Allie Boy appeared, Mr. Stasi, one  
10 thing became clear to you: you were indeed in a tight box;  
11 isn't that right?

12 MR. PHILLIPS: Objection to the form.

13 THE COURT: Sustained. Come on, Mr. Fisher.

14 Q Mr. Stasi, when Allie Boy was produced -- and  
15 he was produced, wasn't he, that night?

16 A He was.

17 Q He was produced by Mr. Rogers; is that right?

18 A I don't know who he was produced by. He came  
19 in.

20 Q And you recognized Allie Boy as the man you had  
21 sold narcotics; is that right?

22 A That's right.

23 Q And you realized immediately that there must be  
24 surveillance of the sale; isn't that right?

25 A That's right.



1           Q       You realized as well that it was true, that Mr.  
2                   Rogers had not been bluffing, that in fact they did have  
3                   an excellent case against you; isn't that right?  
4

5           A       That's right.

6           Q       And the pressure began to mount very, very  
7                   heavily against you; isn't that right, Mr. Stasi?

8                   MR. PHILLIPS: Objection.

9                   THE COURT: Sustained.

10          Q       Sitting as you were, Mr. Stasi, in a room with  
11                   five law-enforcement officers, without a lawyer, and having  
12                   seen, Mr. Stasi, the man you had sold a pound, or approxi-  
13                   mately a pound of narcotics to, and having agreed to  
14                   cooperate under pressure, Mr. Stasi, you nevertheless,  
15                   did you not, had the presence of mind to sit there and  
16                   lie through your teeth; is that right?

17                  MR. PHILLIPS: I object to this as a summation.

18                  THE COURT: Oh, yes; this is a real summation,  
19                   Mr. Fisher. Please don't do that.

20                  MR. FISHER: If your Honor please, I except to  
21                   your Honor's remarks and the ruling.

22                  THE COURT: You don't need to make an exception  
23                   in this courthouse.

24          Q       Mr. Stasi, the fact is, after you had seen Allie  
25                   Boy, you decided to cooperate; is that right?

1  
2 A That's right.

3 Q And the fact is, after you told them you would  
4 cooperate, you were asked, "Where is the cutting going on";  
5 isn't that right?

6 A I don't recall that.

7 Q Mr. Stasi --

8 MR. FISHER: I don't have a reel number on this  
9 particular transcript, your Honor.

10 MR. PHILLIPS: Which government exhibit is  
11 this?

12 MR. FISHER: I don't know. It's the second side  
13 of the tape of 412, and my page number will not correlate  
14 with yours, so I ask you to read the page now, Mr. Phillips,  
15 because I want to show Mr. Stasi a copy.

16 I am told you have a copy. Is there an exhibit  
17 number on that?

18 MR. PHILLIPS: There is no exhibit number yet.

19 MR. FISHER: Well, then, let's get an exhibit  
20 number.

21 MR. PHILLIPS: May this be marked as Govern-  
22 ment's Exhibit 35 --

23 MR. FISHER: 3531-B.

24 MR. PHILLIPS: Yes. It has been marked Govern-  
25 ment's Exhibit 3532-A for identification.



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pp

Stasi-cross

570

MR. ELLIS: Which tape is that, your Honor?

THE COURT: I am at a total loss.

MR. FISHER: It is identified as Frank Stasi  
reel Frank -- that is underlined -- 5/22/73.

2

Q Mr. Stasi, I show you what has been marked as --

3

MR. PHILLIPS: Government's Exhibit 3532A  
for identification.

5

6

7

8

9

10

A Yes.

11

Q You were asked. Do you recall that?

12

A Yes.

13

14

Q Did you tell them, Mr. Stasi, that the cutting  
operation was going on in your apartment?

15

16

A I told them it was going on in my apartment  
and out in Jersey.

17

Q Is that what you told them, Mr. Stasi?

18

A I think so.

19

Q Would you like to read it again?

20

A Right. I read that.

21

Q Read it again, Mr. Stasi.

22

23

You told them you didn't know where it was  
going on, didn't you?

24

Is that right?

25

A I did.



1           Q     And of course, you did know where it was going  
2                   on, didn't you?

3           A     I did.

4           Q     And you deliberately lied when you told them  
5                   you did not know where it was going on?

6           A     I did.

7           Q     This was after you decided to cooperate, isn't  
8                   that right?

9           A     I don't recall.     I just keep saying that I  
10                  want to see my lawyer at the time.     Then after I felt  
11                  I have to cooperate.

12           Q     Mr. Stasi, this denial of yours about where  
13                  the cutting operation was going on occurred, did it not, after  
14                  Allie Boy arrived?

15           A     That's right.

16           Q     And you had decided to cooperate just after  
17                  Allie Boy arrived?

18           A     That's right.

19           Q     So this occurred after you decided to cooperate?

20           A     That's right.

21           Q     After you decided to make amends for your life  
22                  of crime, isn't that right?

23           A     That's right.

24           Q     After you decided to renounce your life of  
25

1 crime, right?

2  
3 MR. PHILLIPS: Your Honor, I object to  
4 the form of that question.

5 THE COURT: Sustained.

6 Q On that night you were released, sent back to  
7 the street, is that right?

8 A That's right.

9 Q Now you were acting as a crime fighter,  
10 right?

11 MR. PHILLIPS: Objection. It is argumenta-  
12 tive, your Honor.

13 THE COURT: I know it is argumentative, but  
14 I will permit it.

15 Mr. Stasi, did you consider yourself acting  
16 as a crime fighter?

17 THE WITNESS: Yes, I was.

18 THE COURT: All right. Mr. Phillips and  
19 Mr. Fisher, would you come up here.

20 (At the side bar.)

21 THE COURT: I am doing my best to try to  
22 figure out when this -- what I am referring to the  
23 transcript, Frank Stasi, Reel Frank --

24 MR. PHILLIPS: May 22nd, your Honor.

25 THE COURT: Is that still part of May 22nd?



1 jha4  
2 MR. FISHER: Yes, your Honor.

3 MR. PHILLIPS: I will state this for the  
4 record. Reel 464A and 465A are tapes of interviews  
5 that occurred in Rogers' office with Stasi on May 22nd.  
6 Reel 412 is another reel of the very same interview.  
7 In other words, 464 and 465 are both on 412, it is the  
8 same thing.

9 THE COURT: All right.

10 (In open court.)

11 Q In any event, that evening, Mr. Stasi, you  
12 left as an undercover agent?

13 MR. PHILLIPS: Objection, your Honor.

14 THE COURT: I don't think the term "under-  
15 cover agent is a technically correct term.

16 MR. FISHER: Special employee?

17 MR. PHILLIPS: Objection.

18 Q You left with an understanding that you  
19 would assist the people you had just spoken with, is  
20 that right?

21 A That's right.

22 Q And that you would work in an undercover capacity,  
23 is that right?

24 A I don't know if you call it that.

25 Q You agreed you would go out and return to your

haunts --

A I'm going out to help myself.

Q Help yourself out of what, Mr. Stasi?

A Doing the right thing.

Q Help yourself out of spending the rest of your life in jail, isn't that right?

A I imagine that's what you would call it.

Q From that moment on you were in fact in daily contact, were you not, with various members of law enforcement, isn't that right?

A Not daily.

Q Just about daily contact?

A All right, we'll put it that way.

Q In fact, there were days when you would call them several times, isn't that right?

A I would say yes.

Q And frequently in the next month you would meet with them, isn't that right?

A Yes.

Q And you would be questioned extensively as to your activities, isn't that right?

A That's right.

Q And the whole purpose for you being released immediately from the room you were interrogated in on the



22nd was so that you could function as an undercover investigator for these men, isn't that right?

MR. PHILLIPS: Objection to the form of the question.

THE COURT: I am afraid you are going to have to reframe it, Mr. Fisher.

MR. FISHER: Yes, your Honor.

THE COURT: You start off with the purpose and he can't crawl into the agents' minds.

MR. FISHER: Yes, your Honor.

Q You recall, do you not, on the 22nd you kept asking for your lawyer, right?

A I did.

Q And they kept saying to you, "We don't want you to call a lawyer because we want you to get back out on the street before anybody knows you were even here," right?

A That's right.

Q "So that no one will know you are working for us," is that right?

A That's right.

Q So that was really the idea as you understood it, to work for them without anyone else knowing it?

A That's right.

1                   Q     You met again two days later, May 24th, with  
2  
3     these officers, isn't that right?

4                   A     I don't know the date.

5                   Q     Roughly two days after arrest?

6                   A     Right.

7                   Q     And you met with Lieutenant Whalen and Sergeant  
8     O'Boyle?

9                   A     That's right.

10                  Q     By the way, you got to know these men pretty  
11     well, isn't that right?

12                  A     I was working with them.

13                  Q     In fact, didn't you call Sergeant O'Boyle Obie?

14                  A     I don't recall.     I know his name is O'Boyle.

15                  Q     Didn't you ever call him Obie and refer to him  
16     as Obie?

17                  A     I don't recall.

18                  Q     On the 24th, sir, you were again reminded  
19     about how tight it was that these officers had you, isn't  
20     that right?

21                  A     That's right.

22                  Q     And you were told, Mr. Stasi, were you not,  
23     that they are going to show you some day pictures of  
24     your sale to Allie Boy, isn't that right?

25                  A     I don't recall that.



1 jha  
2 Q Nice colored photographs?

3 A I don't recall them saying that.

4 MR. FISHER: Does this have a government  
5 marking, Mr. Phillips, C-425?

6 MR. ENGEL: Government's Exhibit 3525A.

7 MR. FISHER: Thank you.

8 Q Showing you what has been marked as Govern-  
9 ment's Exhibit 3525A for identification, and refer-  
10 ring you to page 16, the second full paragraph on the  
11 page, right there, Mr. Stasi, I ask you to read that, tell  
12 us whether or not it refreshes your recollection as to  
13 the fact that you were told they had nice colored photo-  
14 graphs of your sale.

15 A I still don't remember it though.

16 Q You don't recall being told the following --

17 A No, I don't recall.

18 Q Now I'll tell you something else."

19 MR. PHILLIPS: Objection, your Honor.

20 This is repetitions.

21 THE COURT: No, it's all right.

22 Q "Some day we're going to show you pictures of  
23 that sale. Would you believe that? Nice colored  
24 photographs."

25 You don't recall being told that?

1                   MR. PHILLIPS:     Your Honor, I object to  
2                   this.     The document was shown to the witness.     It  
3                   is not in evidence.

4                   THE COURT:     Yes, I understand.

5                   MR. FISHER:     If your Honor please, I am try-  
6                   ing to establish a prior inconsistent statement.

7                   THE COURT:     I understand.     I said I would  
8                   permit it.

9                   MR. FISHER:     Thank you, your Honor.

10                  Q     Then, Mr. Stasi, a little later in that conver-  
11                  sation you were told, were you not, that some day the  
12                  lieutenant, Lieutenant Whalen, would have to tell Rogers,  
13                  the chief of the narcotics prosecution, what you did  
14                  and that Rogers would evaluate your efforts and that  
15                  "if you have done a terrific fucking job -- it may not  
16                  take long if you know the right people and do the right  
17                  things -- some day Rogers is going to wipe your slate  
18                  clean," right?

19                  A     I don't recall.

20                  Q     Page 13 of the same exhibit for identifi-  
21                  cation.     I ask you if that refreshes your recollection.

22                  A     I don't remember all these things.

23                  Q     You don't remember that at all, Mr. Stasi?

24                  A     I don't remember everything.     I remember --  
25



1 jha

Stasi-cross

580

2 Q Do you remember that, Mr. Stasi?

3 MR. PHILLIPS: Objection. The witness  
4 was interrupted in the middle of his answer.

5 THE COURT: Let Mr. Stasi finish.

6 You said you don't remember everything.

7 A I don't remember everything. I remember some  
8 things that were said. Like I say, I'm not a mind-  
9 reader of everything that's been said to me.

10 Q Mr. Stasi, you remembered perfectly well what  
11 you say was told to Tramunti in your presence, don't you?

12 MR. PHILLIPS: Objection. It's argu-  
13 mentative.

14 THE COURT: I will permit it.

15 Q But you say you don't remember a man in a  
16 prosecution office telling you he would wipe your slate  
17 clean.

18 MR. PHILLIPS: Objection to the form of  
19 that question, your Honor. It assumes a fact.

20 THE COURT: I will sustain the objection.  
21 I don't think it is necessary. Go ahead.

22 Q Your future in terms of whether or not you  
23 were going to go to jail was and is a matter of great  
24 importance to you, isn't that right, sir?

25 A That's right.

Q And any statement made in regard to your future with regard to jail is of great importance to you if it is made by a police officer, isn't that right?

MR. PHILLIPS: Objection as argumentative.

THE COURT: No, I will permit it.

MR. FISHER: I am sorry, your Honor?

THE COURT: I said I will permit it.

MR. FISHER: Thank you.

Q Any statement made by a police officer regarding your future in terms of jail or freedom is a matter of great importance to you, isn't it?

A I still don't know about that.

Q Is such a statement a matter of great importance to you, sir?

A I couldn't tell you. I don't know.

Q You don't know whether a police officer making a statement to you about whether or not your slate would be wiped clean is of importance to you?

THE COURT: All right. That's just what he said, he didn't know. Go on to something else.

Q Do you recall being told two days after your arrest that if you didn't come up with good information the slate wouldn't be wiped clean, that you would still owe the two felony sales? Do you recall being told



1 jha

Stasi-cross

582

2 that?

3 A I do.

4 Q And so, Mr. Stasi, you knew early that you had  
5 to produce, right?

6 A Till I seen the evidence, meaning the evi-  
7 dence of Allie Boy.

8 Q You cooperated on a daily basis with the police  
9 officers and the prosecutors from the 22nd right on to  
10 this moment, isn't that right?

11 A I don't recall. I don't know if it was  
12 every day.

13 Q Are you aware, sir, of the fact that if you  
14 state you don't recall when in truth and in fact you  
15 do recall --

16 THE COURT: Hold it, Mr. Fisher. It's not  
17 for you to make any such --

18 MR. FISHER: I would ask the court to remind  
19 the witness of that fact.

20 MR. PHILLIPS: Your Honor, I object.

21 THE COURT: I don't think it is necessary  
22 at all.

23 MR. FISHER: May I have a moment, your  
24 Honor?

25 THE COURT: Sure.

(Pause.)

Q Every day from the 22nd until the present, sir, from the date of your arrest, the night you saw Allie Boy, every day since then you have been working for or with the New York City Police Department, the -- let's leave it at that, keep Mr. Phillips down.

MR. PHILLIPS: Your Honor, I object.

THE COURT: Mr. Fisher --

MR. FISHER: I withdraw that, your Honor. I am sorry.

THE COURT: All right. Besides that, the question assumes that you asked the question before and it was answered in a particular way and it wasn't. He said he did not recall if he worked every day. Now you start off again with every day.

Q Since then, sir, you have been working for the New York City police.

MR. PHILLIPS: Objection. Since when, your Honor?

MR. FISHER: Since the 22nd.

THE COURT: Since the 22nd of May.

Answer the question.

A Yes.

Q Of course, you were arrested and brought to



Rikers Island, is that right?

A That's right.

Q And that was about the beginning of January, 1973, is that right?

A That's right.

Q And that, for all intents and purposes, Mr. Stasi, was your first taste of jail, right?

A That's right.

Q And of course, you didn't like it, is that right?

A That's right.

Q And you got out of jail July 10th?

A That's right.

Q And once again you met with your interrogators, the people who were questioning you?

A The Police Department.

THE COURT: Is there a specific date?

MR. FISHER: July 10th.

Q On that occasion, Mr. Stasi, you were told, were you not, that if you don't come through you are going to get hit with an A felony and you are going to take your chances in the big house, right?

A That's right.

Q And you knew what the big house was, didn't

1

jha

Stasi-cross

585

2

you?

3

A That's jail.

4

Q And you knew what jail was all about, having just spent some time in Rikers Island, is that right?

6

A That's right.

7

Q And when they said that to you that made a lot of impression on you, didn't it?

9

A It did.

10

Q And you said, "I don't want to go there"?

11

A I don't remember if I did.

12

Q And you were told, Mr. Stasi, were you not, that "if you go with us all the way, all the way, your slate will be wiped clean, a plane ticket somewhere, and a pot of gold is waiting for you"?

16

A I answered the question before.

17

Q You don't recall?

18

A I says I answered the question before. Mr. Siegal had said that.

20

Q I was here, Mr. Stasi.

21

A Well, who were they to tell me that I was going to get a plane ticket? I repeat it again. The lawyer, it's up to the lawyer.

24

Q Do you recall being told that, Mr. Stasi, whether or not you believed it?

25



1                   jha  
2                   MR. PHILLIPS:     Your Honor, I object.     May  
3 we approach the side bar?

4                   THE COURT:     Yes.

5                   (At the side bar.)

6                   MR. PHILLIPS:     Your Honor, the government  
7 would ask your Honor to exercise your discretion  
8 in limiting cross examination to the same area by  
9 different counsel.     Mr. Siegal went to this area about  
10 the big house and the airplane ticket and everything.     Now  
11 Mr. Fisher is doing it.

12                   I would ask your Honor to exercise your  
13 discretion and limit defense counsel to the areas that  
14 each one can go into.

15                   THE COURT:     I gather Mr. Fisher wants to  
16 go farther than that.

17                   MR. FISHER:     Yes, I do, your Honor.

18                   THE COURT:     This is a lead-in?

19                   MR. FISHER:     Yes, yes.

20                   THE COURT:     All right.     I will permit it.

21                   (In open court.)

22 BY MR. FISHER:

23                   Q     Showing you, if I may, Mr. Stasi, what has been  
24 marked as 3513A for identification, referring you to  
25 page 27, I ask you if that refreshes your recollection

as to whether or not you were told that you would get a clean slate, a plane ticket and a pot of gold.

MR. PHILLIPS: Your Honor, objection.  
There is no evidence that the witness' recollection needs to be refreshed.

MR. FISHER: He said he did not recall --

THE COURT: I don't want argument now.

MR. FISHER: Yes, your Honor.

THE COURT: I will permit it.

A I said before I don't remember the pot of gold.

Q That doesn't refresh your recollection as to that.

THE COURT: He said no. Don't try to repeat his answer.

Q Mr. Stasi, money was also a thing of great importance to you, wasn't it, in July of 1973?

A How do you mean that?

Q It was something you were concerned about, isn't that right?

A I'm concerned all the time.

Q You are concerned all the time about money?

A Yes.

Q In fact, that's why you went into the narcotic business, isn't that right?



1           A       If you want to put it that way, yes.

2           Q       And you were particularly concerned at or about  
3       July of 1973 because you owed a lot of money, isn't that  
4       right?

5           A       That's right.

6           Q       And so if someone were to tell you, sir, that  
7       as a result of your efforts you would get a pot of gold,  
8       that would be great significance to you?

9           A       I don't remember the pot of gold.

10          MR. PHILLIPS:    Objection, your Honor.

11          THE COURT:     He just answered.    He said  
12       he doesn't remember any pot of gold.

13          Q       How much money did you owe then, sir?

14          A       40,000.

15          Q       If you were relocated, if you were given that  
16       plane ticket, that would mean you could run out on  
17       the full 40,000, right?

18          MR. PHILLIPS:    Objection.

19          MR. FISHER:     Motive, if your Honor please.

20          THE COURT:     I will permit it.    Go ahead.

21          Q       Do you understand the question.

22          A       Yes.    I wouldn't have to owe any money.

23          Q       So in addition to a clean slate you would  
24       save yourself \$40,000, right, by this cooperation?  
25

1           A       I guess so.

2           Q       Mr. Stasi, to save some time, referring to all  
3                   of your debriefing sessions, your question-and-answer  
4                   sessions that occurred between May 22, 1973 and the pre-  
5                   sent, you were constantly being reminded, were you not,  
6                   of what you owed to the police?     Isn't that a fair  
7                   statement?  
8

9           A       They wouldn't remind me of that.     I knew it  
10           myself.

11          Q       It was frequently spoken about, wasn't it?

12          A       It was not.

13          MR. FISHER:     I am sorry, your Honor.     I  
14           had a terrible accident here.

15          THE COURT:     What did you do, lose your  
16           notes?

17          MR. FISHER:     I didn't lose them.     I  
18           just dropped them.

19          Q       On July 11, 1973 you were told, were you  
20           not, that you are going back to the can by the police,  
21           isn't that right?

22          A       I was.

23          Q       You said, "I want to help," you said, " I want  
24           to help myself," isn't that right?

25          A       That's what I said.



1  
2 Q And you meant that, didn't you?

3 A I did.

4 Q Did there ever come a time, Mr. Stasi, when  
5 you stopped lying to the police?

6 A I did and I did not.

7 Q You know the defendant Christiano, is that  
8 right, Finnegan?

9 A I do.

10 Q You first met him at the Beach Rose Social Club,  
11 is that right?

12 A That's right.

13 Q He was there acting or working as a steward  
14 when you arrived, right?

15 A That's right.

16 Q At the time you arrived you became a steward  
17 also?

18 A That's right.

19 Q And your function included acting as a waiter  
20 for the card game?

21 A That's right.

22 Q Running errands?

23 A That's right.

24 Q You were paid according to how much the people  
25 in the game liked you, isn't that right?

1                   Q     Because your income was dependent totally on  
2 tips, is that right?  
3

4                   A     That's right.  
5

6                   Q     When did you first go and become a steward at  
7 the social club?  
8

9                   A     When?  
10

11                  Q     Yes.  
12

13                  A     I would say about 1970.  
14

15                  Q     Then it would have been about six months to  
16 a year later that you became involved in narcotics?  
17

18                  A     I won't say that long.  
19

20                  Q     About how long?  
21

22                  A     I would say a couple -- about a week later,  
23 a week or two later.  
24

25                  Q     I believe you testified yesterday that you  
first became involved in narcotics some time in the  
middle or end of 1970.     Now, you have just told us --

                  A     Two weeks, that's about the middle, isn't it?

                  Q     When did you begin to work at the Beach Rose  
Social Club?

                  A     The early part of '70.

                  Q     How long was it after you began to work at  
the Beach Rose Social Club that you agreed to become in-  
volved in narcotics?



1           A       I would say maybe a couple of weeks later.

2           Q       In that couple-of-weeks period of time you  
3           were at the Beach Rose Social Club every day, is that  
4           right?  
5

6           A       That's right.

7           Q       And every day there were people playing  
8           cards, isn't that right?

9           A       That's right.

10          Q       And every day Finnegan was there, right?

11          A       That's right.

12          Q       And yet when you had this conversation about  
13          becoming involved in narcotics you told us you didn't  
14          know what the word "goods" meant, right?

15          A       That's right.

16          Q       You didn't know what the word "junk" meant,  
17          right?

18          A       That's right.

19          Q       You didn't know anything about narcotics,  
20          right?

21          A       That's right, till I was told.

22          Q       You were running as well a numbers operation,  
23          were you not?

24          A       I was.

25          Q       And at the time you arrived you had introduced

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jha

Stasi-cross

593

the numbers action into the Beach Rose Social Club, right?

A       Someone else was taking them there.       He had left and I took somebody else's --

Q       In any event, you took over --

MR. PHILLIPS:       Objection, your Honor.  
The witness hadn't finished his answer.

THE COURT:       I thought he had.

Do you have something else to say, Mr. Stasi?

A       Some one else was there.       Then he had left and I figured that -- Gigi had said, "You could take numbers here."

Q       In any event, Finnegan, so far as you know, had not been taking numbers prior to your arrival?

A       That's right.

Q       Then there came a time when Finnegan began to take numbers too, didn't he?

A       That's right.

Q       The numbers business, so far as the Beach Rose Social Club was concerned, was a source of income to you, isn't that right?

A       That's right.

Q       About how much money were you making before Finnegan started taking the numbers?

A       How much?



Q Yes.

A I was living on Social Security and I had a stop downtown, which meant parcel post, picking up parcel post.

Q You weren't making any money from your numbers bets?

A I says I was.

Q You were?

A That's what I said.

Q How much?

A Well, roughly, I would say maybe \$20 a day.

Q And your income as a result of the numbers depended in some degree, did it not, on how lucky the people who bet with you were?

A That's right.

Q Because a payoff on a number correctly guessed was 600 to 1?

A 550.

Q Sorry. And if a number was hit by a bettor who had bet with you you got a percentage of the winning amount, is that, right?

A If they felt like giving you something.

Q What was the practice?

A What's that?

1                   Q     What usually happened when someone hit a  
2  
3     number?

4                   A     They would give you something.

5                   Q     And the bigger the hit the more you would get?

6                   A     That's right.

7                   Q     And you were in the Beach Rose Social Club  
8     one day when they were playing pinochle and a cabdriver  
9     came in with a bill for one of the players, isn't that  
10    right?

11                  A     That's right.

12                  Q     Of course, at this time Finnegan was also taking  
13    numbers, isn't that right?

14                  A     That's right.

15                  Q     And the cabdriver presented one of the  
16    players with a bill for 177, isn't that right?

17                  A     I don't remember the number.

18                  Q     In any event, the players decided to play the  
19    number on the bill?     You recall that?

20                  A     I know the number was hit.     I don't remem-  
21    ber the number.

22                  Q     And they made the bet with Finnegan, right?

23                  A     That's what I heard.

24                  Q     Not you?

25                  A     So?     That's all right.     It don't mean



anything, does it?

Q Mr. Stasi, did you get the bet or did someone else?

A Finnegan got it.

Q And it hit?

A Good for him.

Q And it hit for \$24,000, right?

A That's what it figures, that's it.

Q And he got \$4000, right?

A I don't know. I'm not too good with the figures. Is that it? Then that's what he got.

Q Money that you would have gotten had he not gone into the numbers business, right?

A I guess so.

Q Finnegan got more tips than you, didn't he?

A I don't know.

Q It seemed to you that he was more well liked by the people there, didn't it?

A I couldn't tell you.

Q You knew you weren't too well liked, didn't you?

A I wasn't?

Q Yes.

A Well, then I made a fool out of myself.

1 jha  
2 MR. FISHER: Your Honor, would this be  
3 an appropriate time for the afternoon recess?

4 THE COURT: And also to give you a chance  
5 to reassemble your notes?

6 MR. FISHER: Yes.

7 THE COURT: Sure.

8 MR. FISHER: That's what I was trying to  
9 say.

10 (The jury left the courtroom.)

11 THE COURT: All right, gentlemen. It is  
12 six minutes after the hour. We will resume at 15  
13 after.



(In the robing room.)

MR. CURLEY: This is an application by me, your Honor, taken in the robing room, and it has to do with something that will affect my cross-examination, and I want to bring it to your attention. I don't know if I will get to it today.

My recollection is that Mr. Stasi referred to my client at two different incidents, and upon consulting my notes and the transcript, it seems to me that there is a possibility that the name "Joe Crow" appears in reference to the second occasion rather than "Joe Cab."

During the luncheon recess, I discussed the matter with the court reporter, who is with us and who had taken the appropriate part of the testimony, and I was advised that his recollection, consulting his notes, was that the name was Joe Crow and that my recollection and my notes were in error.

I am not as sure as I was, but this will affect my questioning. I may not question if the transcript is correct, and I want to consult the government and the Court to see if either of you were taking independent notes and had any comment upon this.

I am referring basically to page 325 of the trial transcript.

pp2

Stasi-cross

As I recall it, there were two incidents, and on each day there was a separate incident with Barnaba and Cab, Joe Cab, and according to the transcript the first time was Barnaba and Cab and the second time was Barnaba and Crow.

Specifically, on page 325, it says that Joe Crow walked in the kitchen and then walked out.

"Q Did you see the bag?

"A The bag was under his arm."

I thought that pertained directly to my client, and of course Joe Crow is not my client.

MR. PHILLIPS: I thought he said Joe Cab, too. I am certain that that is what he intended to say and that is what I thought he did in fact say.

THE COURT: My recollection is that that is what he said, also.

You know, working in this barn, everybody is under a terrific amount of pressure. I know that the defense counsel have to consult their clients. I indicated before that there is a lot of noise and a lot of spectators milling about, and possibly we understood it one way which might have been recorded differently. I don't recall. But I understood that to be Joe Cab. That is my recollection. If it accords with your recollection and the



1 pp3

Stasi-cross

2 prosecutor's recollection, I guess you are going to have  
3 to be prepared to cross-examine him about both of these  
4 incidents.

5 That is what you wanted to bring up, isn't it?

6 MR. CURLEY: Yes, your Honor.

7 THE COURT: If I were you, I would be prepared  
8 for both, and between now and Monday I will check my notes  
9 and the prosecutor will. If it turns out to be somebody  
10 else, it basically makes life easier for you.

11 MR. CURLEY: As far as the proof against my  
12 client is concerned, it lessens one of the arguments I had  
13 to make against the government's case.

14 I don't think I will get to it today, depending  
15 upon what Mrs. Rosner and Mr. Fisher and Mr. Warner have,  
16 but perhaps I can await the consulting of my notes over the  
17 weekend and start my cross-examination Monday morning.

18 MR. PHILLIPS: Your Honor, it seems to me if  
19 defense counsel and the Court and the government are in  
20 agreement, the record ought to be changed to reflect that.

21 MR. CURLEY: It is my recollection that you  
22 were going to check your notes.

23 MR. PHILLIPS: Well, my witness sheet indicates  
24 it was Joe Cab. I think you will see from the 3500 material

25 MR. CURLEY: Of course, the 3500 material would

pp4

Stasicross

corroborate that point. However, the jury hasn't seen and probably will not see the 3500 material. They either heard what the witness said or, as a possible impeachment, the testimony will be read to Mr. Stasi as the basis for possible impeachment, on cross-examination.

MR. PHILLIPS: The problem is, if the jury asks for a rereading of the testimony, it is going to come out "Joe Crow."

THE COURT: And it should be "Joe Cab."

MR. PHILLIPS: The same with summations.

MR. LOPEZ: Is it possible for your Honor to inquire of the witness in connection with the defense application to correct the record or to clarify the record in the absence of the jury and in the absence of the jury to ask this question as to correct this specific page? "You were asked on such-and-such a question," and the matter can be clarified, and your Honor can issue directions to the court reporters to correct the record, and in that way we don't have to pinpoint it in the presence of the jury.

I mean, if everybody consents to that, I think that will be fair.

MR. PHILLIPS: That is acceptable to the government.

MR. LOPEZ: Would that be acceptable to you?



pp5

Stasi-cross

1  
2 MR. CURLEY: That is acceptable to me. I just  
3 wanted to know how to proceed.

4 THE COURT: All right. We will do it at the end  
5 of the day instead of breaking the rhythm of the case.

6 MR. LOPEZ: Thank you.

7 (Recess.)

8 (In the absence of the jury.)

9 MR. ENGEL: Your Honor, the government has one  
10 more housekeeping matter..

11 May Government's Exhibit 3533-A be marked,  
12 being a debriefing of Frank Stasi on the date of June 20,  
13 1973. The transcript is marked Reel 439.

14 (Government's Exhibit 3533-A marked for  
15 identification.)

16 THE COURT: Mr. Curley, what was the page number  
17 that you were referring to before?

18 MR. CURLEY: 325, your Honor.

19 THE COURT: My problem is that my transcript  
20 says that the proceeding starts with 352.

21 MR. CURLEY: I think 352 starts the next session,  
22 your Honor.

23 THE COURT: All right.

24 (Jury in box.)

25 THE COURT: All right, Mr. Fisher.

pp6

Stasi-cross

MR. FISHER: Thank you, your Honor.

BY MR. FISHER:

Q Mr. Stasi, how many times have you met with individuals working for either the State law-enforcement authorities or the Federal?

A What's that again?

Q How many times have you met with individuals representing either the State or the Federal authorities?

A I don't understand that question.

Q How many different times did you meet with Lieutenant Whelan, for example?

A While I was with him? Is that what you are saying?

Q Well, you are still with him, aren't you?

A Yes.

Q How many times did you meet Whelan, for example?

A I don't know how many times. I couldn't tell you.

Q You met on May 22nd?

A I don't know the dates.

Q The date of your arrest?

A Right.

Q You met two days later; is that right?

A I says, I don't know.

Q Approximately?



pp7

Stasi-cross

1

A It might be.

2

2

3

Q You met a couple of days after that; right:

4

May 29th?

5

A I don't know the dates.

6

7

Q A few days after your second meeting, you met for a third time; isn't that right?

8

A I don't know how far apart I met them.

9

Q Would it be fair to say that you met at least on 17 different occasions?

10

11

A I still can't tell you. I don't know.

12

13

Q You met with him more than 10 times, didn't you?

14

A Possible.

15

16

Q Definitely; isn't that right?

17

A I says, possible.

18

19

Q Your period of meetings, how many ever there were occurred within the last year; is that right?

20

A I still don't know.

21

22

Q You started meeting with them at the end of May, 1973, when you were arrested; is that right?

23

A Right.

24

25

Q You know that now this is February of 1974, the following year?

pp8

Stasi-cross

1  
2 A Right.

3 Q We are talking about the last eight or nine  
4 months, now, Mr. Stasi.

5 A Still don't know how many times I met with  
6 them.

7 Q But you know that you cut heroin precisely eight  
8 times; is that right?

9 A It could be more.

10 Q It could be less?

11 A It could be more.

12 Q Could it be less?

13 A It could be more.

14 Q Could it be less, Mr. Stasi?

15 A I don't know.

16 Q The cutting started in 1970; is that right?

17 A That's right.

18 Q That is four years ago; right?

19 A Four years ago? I haven't been doing it four  
20 years.

21 Q Is it possible you met with prosecuting  
22 authorities 20 times?

23 A I still says I don't know how many times.

24 Q Do you know if it is possible that you met  
25 with him 20 times?



pp9

Stasi-cross

MR. PHILLIPS: Objection, your Honor.

THE COURT: Anything is possible in this life.

MR. PHILLIPS: I object further, your Honor,  
that it is repetitious.

MR. FISHER: I can't get an answer.

MR. PHILLIPS: Your Honor, it is --

THE COURT: I know. Let's go on. I will  
sustain the objection.

Q Do you know, Mr. Stasi, that on various occasions  
when you were questioned by State or Federal officers, you  
were questioned with a tape recorder present; isn't that  
right?

A That's right.

Q I show you --

MR. FISHER: Is there a group of numbers belong-  
ing to these, Mr. Phillips?

MR. PHILLIPS: I don't know what you are referring  
to, Mr. Fisher.

MR. FISHER: The transcripts of the cassettes.

MR. PHILLIPS: I understand that, but which one?

MR. FISHER: All of them.

MR. PHILLIPS: Which would you like?

MR. FISHER: I would like C-451.

MR. ENGEL: that is 3526-A.

1 pp10

Stasi-cross

2 MR. FISHER: 477.

3 MR.ENGEL: 3514-A.

4 MR. FISHER: 559.

5 MR.ENGEL: 3521-A.

6 MR. FISHER: 593.

7 MR. ENGEL: 3523-A.

8 MR. FISHER: 476.

9 MR. ENGEL: 3516-A.

10 Q Mr. Stasi, I show you what have been marked as  
11 3516-A for identification, 3523-A for identification,  
12 3521-A for identification, 3514-A for identification,  
13 3513-A for identification, 3531-A for identification,  
14 3532-A for identification and 3526-A for identification.

15 Look at those, will you, and will you tell us  
16 whether or not at least on those dates you were inter-  
17 viewed?

18 MR. PHILLIPS: Your Honor, I object, and I would  
19 also ask for an instruction that I talk about outside  
20 the presence of the jury.

21 THE COURT: Mr. Fisher, come up here.

22 (At the side bar.)

23 THE COURT: What do you want?

24 MR. PHILLIPS: I want an instruction to the  
25 jury that these documents were turned over to defense



1 pp11 Stasi-cross

2 counsel, as required by law.

3 MR.FISHER: No objection.

4 THE COURT: I have already done that.

5 MR. PHILLIPS: Not as to these documents.

6 THE COURT: I told them that they remembered  
7 hearing that the government was required to turn over any  
8 statements of the witness to defense counsel and certain  
9 things may or may not fit within it, and the government  
10 has to turn over these things, and they are marked 3501 and  
11 so forth.

12 MR. PHILLIPS: I remember your Honor making the  
13 statement, but I don't recall there was anything in that  
14 statement that the government was turning these over,  
15 merely that these were documents that --

16 THE COURT: That the government had to turn  
17 over. That is what I said.

18 MR. PHILLIPS: Another thing: the basis for my  
19 objection is that the witness -- I don't even recall what  
20 the question was, but he piled a bunch of transcripts in  
21 front of him --

22 MR. FISHER: You are right. I withdraw that  
23 question. I should have asked if it refreshes his recol-  
24 lection. You are right. I don't believe I did. I withdraw  
25 that.

ppl2

Stasi-cross

(In open court.)

MR. FISHER: I withdraw that last question, if your Honor will permit.

THE COURT: All right.

Q In addition to the transcripts, sir, that I have just referred to and their respective numbers and including 3527-A for identification, will you look through those, please, and tell us whether or not they refresh your recollection at least as to the number of times you were interviewed by agents of law-enforcement?

A I still can't figure out how many times it will be by looking at these.

Q You can't count, can't you?

MR. PHILLIPS: Objection.

THE COURT: I am sure he can count.

MR. PHILLIPS: It's argumentative, your Honor.

THE COURT: Yes. I will sustain it.

Q Will you please look through those and tell me whether or not --

A What do you want me to do? Count each individual one?

Q I would like you to look at the documents that are on the table in front of you, sir, and tell us whether or not those refresh your recollection at least as to the



1 ppl3 Stasi-cross

2 number of times you were interrogated by law-enforcement  
3 agents.

4 MRL PHILLIPS: Objection. It has been asked  
5 and answered. The witness has said he doesn't recall.

6 THE COURT: Yes, but I am going to let him  
7 answer.

8 A I see nine things here.

9 Q Do they refresh your recollection?

10 MR. PHILLIPS: Objection. It has been asked  
11 and answered, your Honor.

12 THE COURT: No. He hasn't answered the former  
13 question.

14 Mr. Stasi, those nine transcripts: do they  
15 refresh your recollection that you were interviewed at  
16 least nine times?

17 THE WITNESS: Yes, sir. I says there's nine books  
18 here, your Honor.

19 Q Mr. Stasi, there were times as well when you  
20 were interrogated when there was no tape recorder that  
21 you could see; is that right?

22 A I don't recall.

23 Q But you, sir, have a certain recollection that  
24 on at least eight occasions you cut heroin; is that right?  
25 That is a certain recollection?

pp14

Stasi-cross

1  
2 A I says yes.

3 Q No doubt in your mind at all about that; right?

4 A It could have been more, I said before.

5 Q The question was, at least eight, Mr. Stasi?

6 A That's right.

7 Q Now, from time to time during your interrogations  
8 was a tape recording ever played to you?

9 A No.

10 Q Never?

11 A You mean while I was with them?

12 Q Yes.

13 A I don't recall.

14 Q Do you recall the time when you were asked to  
15 call somebody from their office?

16 A I still don't -- I don't understand that  
17 question.

18 Q Mr. Stasi, wasn't there an occasion during one  
19 of your interrogation sessions when you were asked by the  
20 agents to make a call to somebody?

21 A I understand you now. Yes.

22 Q And they made up a tape recording of that call,  
23 didn't they?

24 A Yes; they did.

25 Q And then they played it back; is that right?



1 pp15 Stasi-cross.

2 A Yes; they did.

3 Q So there was an occasion when a tape recording  
4 was played during your interrogation?

5 A I just didn't follow you. You brought it in  
6 another way, and I understood you?

7 Q If the questions were asked to you regarding  
8 the cutting a different way, would you say that Finnegan  
9 was not present at one of the cuttings?

10 MR. PHILLIPS: Objection.

11 THE COURT: Sustained.

12 Q Does it matter, Mr. Stasi, as to how the question  
13 is put to you?

14 MR. PHILLIPS: Objection.

15 THE COURT: Sustained.

16 Q Could you give us an estimate, sir, of how many  
17 hours you have spent repeating and repeating and repeating  
18 the story you told here?

19 MR. PHILLIPS: Objection to the form of the  
20 question.

21 THE COURT: Sustained.

22 Do you want to reframe the question?

23 MR. FISHER: Yes. I will strike two of the  
24 "repeatings," your Honor.

25 Q Can you tell us, Mr. Stasi, how many hours you

ppl6

Stasi-cross

1  
2 have spent reviewing your story with agents of the police?

3 A Each time I was there.

4 Q I am asking you --

5 THE COURT: How many hours, Mr. Stasi, if you  
6 can tell us.

7 A I would say maybe about an hour a day.

8 Q However many days there were; is that right?

9 A That's right. Sometimes it was less.

10 Q It got to a point, Mr. Stasi, did it not, when  
11 you were told to memorize your story?

12 A I was not.

13 Q Showing you what has been marked as Government's  
14 Exhibit 3516-A for identification and asking you to refer  
15 to the third paragraph on page 79, I ask you to read that  
16 to determine whether or not that refreshes your recol-  
17 lection as to whether or not they wanted you to memorize  
18 your story?

19 MR. PHILLIPS: Your Honor, I object to this and  
20 ask to approach the side bar.

21 THE COURT: Before you do, will you give me  
22 the reel number on this? I don't have it.

23 MR. PHILLIPS: C-476.

24 (At the side bar.)  
25



pp17

Stasi-cross

THE COURT: Where is that?

MR. FISHER: Your Honor, page 79.

MR. PHILLIPS: My objection is based on this question being a misleading question. The question was asked by Mr. Fisher whether this refreshes his recollection as to whether they told him to memorize his story, when in fact it says, "You are going to have the truth memorized."

THE COURT: All right. Read the question directly.

(In open court.)

Q Mr. Stasi, do you recall being told on July 11th this is by a police officer who is interrogating you -- that "This is why we are going over and over and over and over. We are going to have the truth memorized to a point where you will be, you know, you will just know what you did and what you are going to say."

Do you recall that?

A I don't recall.

Q Do you recall being called a liar from time to time during your debriefing?

A I was. I do.

Q And that was whenever you denied that a narcotics transaction had occurred; is that right?

A They says I was lying when I was telling the

pp18

Stasi-cross

truth.

Q I am asking you whether or not, Mr. Stasi, you recall from time to time one of the police interrogators calling you a liar.

A They would at some time.

Q And those occasions would arise in one of two instances: first, you were telling them you couldn't remember something, and they would call you a liar; is that right?

A I don't know.

Q Or that you denied that a certain narcotics transaction had occurred, and they would call you a liar; is that right?

A I don't recall.

Q You do remember, don't you, that they never called you a liar as long as you were telling them about people involved in narcotics; right?

MR. PHILLIPS: Objection to the form of the question.

THE COURT: Reframe it the other way.

MR. FISHER: Right.

Q All right. Whenever you spoke about people involved in narcotics trafficking, you were not called a liar; isn't that right?



ppl9

Stasi-cross

1                   A       I don't know what -- probably.

2                   Q       And you began to understand through the course  
3 of your interrogation, did you not, that truth to the  
4 police meant putting someone in the case; isn't that right?  
5

6                   MR. PHILLIPS: Objection.

7                   THE COURT: Sustained.

8                   Q       You began to understand during your interrogations  
9 that a lie was whenever you were trying to tell them someone  
10 was not involved?

11                  MR. PHILLIPS: Objection.

12                  Q       In any event, Mr. Stasi, ultimately you were  
13 able to memorize your story; is that right?

14                  MR. PHILLIPS: Objection, your Honor.

15                  THE COURT: Sustained.

16                  Q       Have you been able to memorize your story?

17                  MR. PHILLIPS: Objection.

18                  THE COURT: Sustained.

19                  Q       Did you in fact memorize the testimony you  
20 gave here on direct examination?

21                  MR. PHILLIPS: Objection.

22                  THE COURT: Sustained.

23                  Q       Had you discussed, prior to your direct testimony  
24 in this case, each and every question and each and every  
25 answer that you gave on direct examination with Mr. Phillips?

pp20

Stasi-cross

1 A I think I did.

2 Q And how many times did you go over the questions  
3 and the answers with Mr. Phillips?

4 A I would say about twice or three times a week.

5 Q For how many weeks?

6 A Three weeks.

7 Q Nine times? Six to nine times?

8 MR. PHILLIPS: Objection, argumentative.

9 MR. FISHER: I am sorry. My math is as good as  
10 anybody else's.

11 Q Mr. Stasi, are you now receiving or have you  
12 received since May 22nd, the date of your arrest, 1973,  
13 any money from the United States Government?

14 A I have.

15 Q How much?

16 THE WITNESS: Do I have to answer it, your  
17 Honor?

18 THE COURT: Yes.

19 A 250 a month.

20 Q \$250 a month?

21 A That's right.

22 Q Are you now paying rent somewhere, or does the  
23 government provide your housing?

24 A I am paying rent.



1 pp21

Stasi-cross

2 Q And does the rent come out of the \$250, or is  
3 that something in addition?

4 A The rent is being paid.

5 Q In addition to the 250?

6 A I get 250, and the rent is being paid.

7 Q And you have been receiving that every month  
8 since May 22nd, the date of your arrest?

9 A I guess so. I don't --

10 Q And have you any expectation as to how long you  
11 are going to be receiving that money?

12 A I couldn't tell you.

13 Q Now, there are indictments pending against you  
14 in the State of New York relating to the direct sales with  
15 Allie Boy; is that right?

16 A I know that.

17 Q And they are still pending against you; is that  
18 right?

19 A That's right.

20 Q And it is your understanding that you won't be  
21 sentenced until you are through testifying; is that right?

22 A I guess that's the procedure.

23 Q And as you sit here now, sir, you know that  
24 your sentence may just well depend on how good a witness you  
25 are, don't you?

pp22

Stasi-cross

1  
2 MR. PHILLIPS: Objection.

3 THE COURT: Sustained.

4 Q Do you regard the ultimate sentence in your  
5 case as depending upon the quality of your cooperation?

6 MR. PHILLIPS: Objection to the form, your  
7 Honor.

8 THE COURT: Yes. Sustained.

9 MR. PHILLIPS: Your Honor, may we approach the  
10 side bar?

11 THE COURT: Surely.

12 (At the side bar.)

13 MR. FISHER: Your Honor, I am sorry to interrupt,  
14 but, most respectfully, I think your Honor is ruling  
15 improperly here, and I would like to state this:

16 As an offer of proof, I am trying to establish  
17 that as he sits here now he has a belief that if he does  
18 a good job for the government his sentence is going to be  
19 lighter than if he does a bad job for the government.

20 Now, it may not be true that that is the case,  
21 but I have a right to determine that under the issue of  
22 motive, and I would suggest, your Honor, I refer the  
23 Court most respectfully to --

24 THE COURT: All right. You say you don't  
25 know whether it is right or not. Let me tell you, as to



1 pp23

Stasi-cross

2 this guy here, I can guarantee you it is not right.

3 MR. FISHER: Your Honor, with all due respect,  
4 the Federal Court is an entirely different organ --

5 THE COURT: No. Don't comment on that. I am  
6 not interested in that. If you want to bring out motive  
7 qua motive, it is reaching -- that is really reaching towards  
8 the end. If that is your aim --

9 MR. FISHER: Yes.

10 THE COURT: How much longer are you going to spend  
11 on this?

12 MR. FISHER: On this area? Oh, about two minutes.

13 THE COURT: Because, you know, Mr. Siegal went  
14 through this already. If everybody goes through this when  
15 he gets up --

16 MR. FISHER: If he feels the case is hanging over  
17 him, that could reasonably distort his testimony.

18 THE COURT: I understand what you are trying to  
19 bring out. How many times do we have to do it?

20 MR. FISHER: I am just about at the end of the  
21 motive.

22 THE COURT: How long do you figure it will take  
23 you to finish up?

24 MR. FISHER: I will be going for a while yet.  
25 I haven't even gotten to the real substance of the case

1 pp

Stasi-cross

621

2 yet.

3 MR. PHILLIPS: You haven't gotten to the facts.

4 MR. FISHER: I am about to do that, your Honor.

5 THE COURT: Please do.

6 (In open court.)

7 Q Mr. Stasi, you know, do you not, that you were  
8 supposed to have been sentenced on your plea of guilty in  
9 the State case on January 30th, a few days ago -- two days  
10 ago?

11 A I didn't know that.

12 Q You didn't know that?

13 A No; I didn't.

14 Q One thing you do know is, you weren't sentenced  
15 two days ago; is that right?

16 A I know that.

17 Q Now, sir, as you sit here now, do you anticipate  
18 that the sentence you are going to receive in the State  
19 Court on the two felony cases pending against you there  
20 depends upon how good a job you do here?

21 A This is -- I'm here to help myself.

22 Q Does that mean yes?

23 A I said, yes, I'm here to help myself.

24 Q You referred, Mr. Stasi, to eight instances of  
25 mixing narcotics in your direct examination; is that right?



1 A That's right.

2 Q Now, sir, have you been indicted by reason of  
3 any one of those occasions?  
4

5 A I don't understand that question.

6 MR. FISHER: I will withdraw it.

7 Q With regard to the instances where you testi-  
8 fied you mixed heroin in the years 1970, 1971 and 1972,  
9 you indicated that it would be impossible for you to fix  
10 any date for any of those mixings; is that right?

11 A That's right.

12 Q But you did tell us clearly that each of these  
13 instances had in fact occurred?

14 A That's right. That's what I said.

15 Q And you told us about them in a certain order;  
16 isn't that right?

17 A I was just saying roughly.

18 Q Yes, but you told us the first time --

19 A I remember that.

20 Q You remember it?

21 A That's right. That's when I had started.

22 Q And you remember it was on your second mixing  
23 occasion that Finnegan was there?

24 A That's right.

25 Q That you are sure of?

1 pp

Stasi-cross

623

2 A I know that, yes.

3 Q And you remember that Finnegan was there the  
4 second time since the day of your arrest; isn't that  
5 right? You always knew that Finnegan was there the second  
6 time; is that right?

7 A I did; yes.

8 Q In addition to your debriefings with tape  
9 recorders, Mr. Stasi, you were also interviewed between  
10 September 13th and September 18, 1973, by Sergeant Martin  
11 O'Boyle and Special Agent Torrey R. Shutes; is that right?

12 A That's right.

13 MR. FISHER: Does this have a number, Mr. Engel?

14 MR. ENGEL: Government's Exhibit 3511-A.

15 Q I show you what has been marked 3511-A for  
16 identification. I direct your attention to paragraphs 4  
17 and 5 appearing on the second page, and I ask you whether  
18 or not that refreshes your recollection as to the fact that  
19 you told Shutes and O'Boyle that Finnegan mixed with you  
20 on some time other than your second occasion?

21 MR. PHILLIPS: Objection to the form of that  
22 question, your Honor. He was not asked that question  
23 directly by Mr. Fisher.

24 MR. FISHER: All right. I will ask the question  
25 directly, your Honor.



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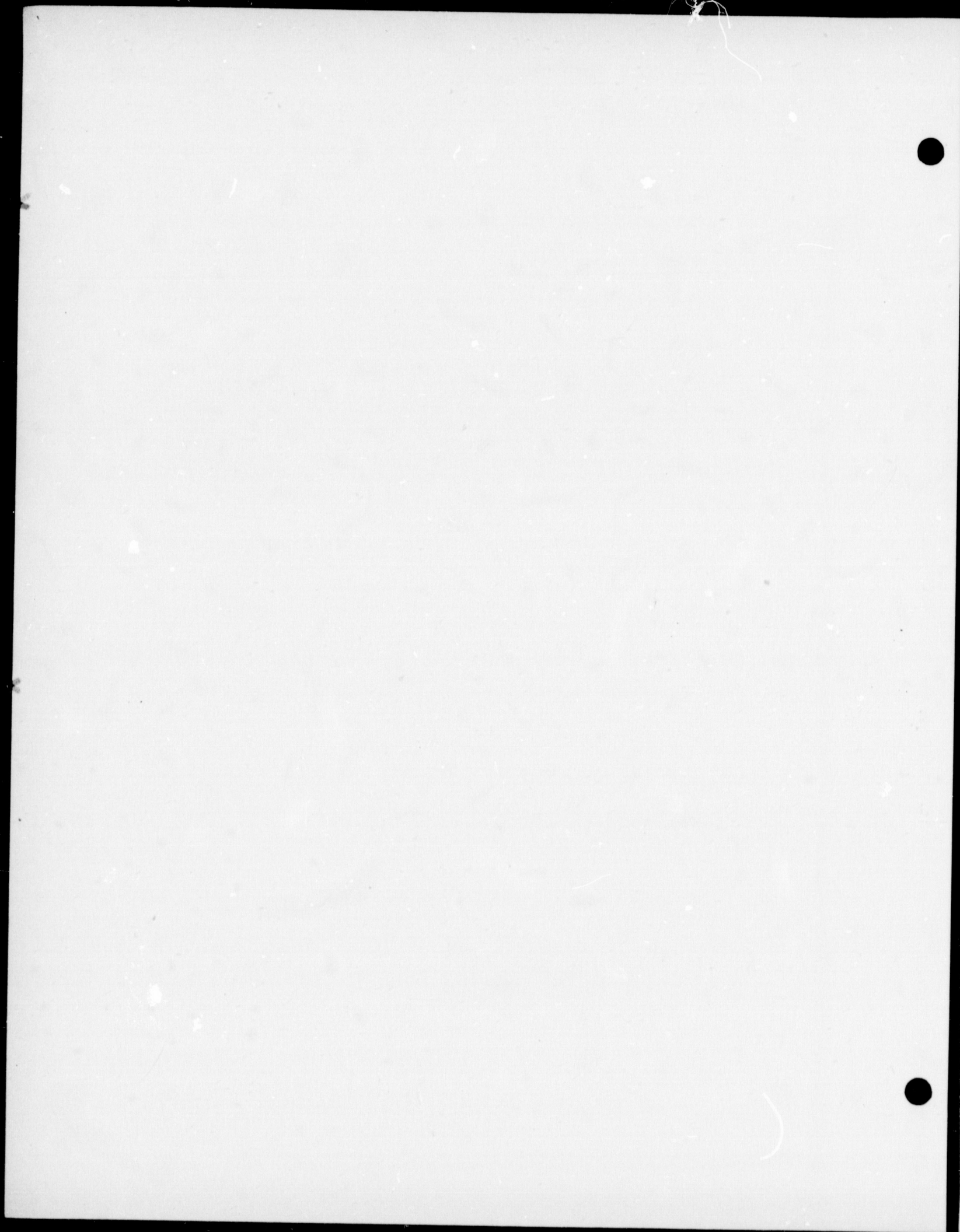
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Stasi-cross

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Q Didn't you, sir, some time between September 13th and September 18, 1973, in an interview with Shutes and O'Boyle, tell them that the time you mixed with Finnegan was a time other than the second time you mixed?

A I was confused at the time.





1           Q       On September 13th you had been assisting  
2  
3 the government about four months, hadn't you?

4           A       I would say so.

5           Q       And you had gone through your story about the  
6 mixing a number of times with agents of the government,  
7 hadn't you?

8           A       I would say so.

9           Q       And on September 13th you were still confused  
10 about your mixing with Finnegan, is that right?

11          A       I knew he had nixed at the second occasion.

12          Q       But you were merely confused as to which,  
13 is that right?

14          A       Yes.

15          Q       And now you are not confused at all?

16          A       No, I'm not, because I went over my testimony.

17          Q       What testimony?

18          A       When I was preparing for trial with the notes  
19 with Mr. Phillips I come to the conclusion it was the  
20 second choice, second mix.

21          Q       Did anyone help you to come to that conclusion?

22          A       No.

23          Q       All by yourself?

24          A       That's right.

25          Q       When is the last time you saw John Barnaba, by the

1 jha2

Stasi-cross

2 way?

3 A When was the last time?

4 Q Yes.

5 A I seen him at --

6 Q When, sir, how long ago was the last time  
7 you saw Barnaba?

8 A When he was in the courtroom. I mean up-  
9 stairs.

10 Q Upstairs in this building?

11 A Yes.

12 Q In Mr. Phillips' office?

13 A Yes.

14 Q How long ago was that?

15 A I would say about three weeks ago.

16 Q Had you seen him prior to that in the last  
17 eight months?

18 A No.

19 Q That was the only occasion?

20 A Yes. I wasn't with him.

21 Q The only time in the last eight months you saw  
22 him was three weeks ago at Mr. Phillips' office?

23 A That's right.

24 Q I believe you told us that on the next-to-the  
25 last occasion that you had been involved in this cutting



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Stasi-cross

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that Moe Lentini was taught how to cut by Delvecchio, is that right?

A That's right.

Q You are certain of that, is that right?

A I'm pretty sure.

Q Less than certain?

MR. PHILLIPS: Objection as argumentative, your Honor.

Q Are you less than certain about that?

THE COURT: He said he is pretty sure.

Q And you are pretty sure about the fact, are you not, that the reason that Lentini was introduced into the cutting operation was because he was not, is that right?

A That's right.

MR. PHILLIPS: Your Honor, I object to the question as being misleading.

THE COURT: The question can be read about three different ways.

MR. FISHER: I was about to clarify the word "hot," your Honor.

THE COURT: No, it is not a question of hot. It's who was hot.

MR. FISHER: Joe Crow.

1 jha4  
2 THE WITNESS: I says that's right.

3 THE COURT: All right.

4 Q You are certain of that, sir?

5 A Yes, I am.

6 Q And by Joe Crow being hot you are referring  
7 to the fact that the police were on to him, is that right?

8 A That's right.

9 Q And so the idea was to replace him in the opera-  
10 tion, at least with respect to cutting, with Moe Lentini,  
11 is that right?

12 A That's right.

13 Q By your testimony you were in the operation,  
14 right?

15 A Yes.

16 Q And it was something of great interest to you  
17 to learn, was it not, that a member of your organization,  
18 in fact, your boss, was hot, correct?

19 A That's right.

20 Q That is something you wouldn't be likely ever  
21 to forget, right?

22 MR. PHILLIPS: Objection as argumentative,  
23 your Honor.

24 THE COURT: It is.

25 Q Nevertheless, sir, in your interviews with your





MR. PHILLIPS: Objection.

MR. FISHER: Withdrawn, your Honor.

Q I believe you told us that you received \$2000 each time you cut the heroin, is that right?

A That's right.

Q And so it appeared at the time you collected at least \$16,000, is that right?

A That's right.

Q Could be more, because you could have cut more, is that right?

A I could have cut more?

Q Yes.

A What do you mean by I could have cut more?

Q You told us it could have been more than eight times.

A Oh, yes. I didn't understand the question.

Q So it could have been more than \$16,000, is that right?

A Yes.

Q The only purpose, Mr. Stasi, for your cutting the heroin was because you wanted to make the \$2000, is that right?

A That's right.

Q How much you got paid for each occasion is also



1 jha

Stasi-cross

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2 something you weren't likely to forget, is that right?

3 MR. PHILLIPS: Objection as argumenta-  
4 tive, your Honor.

5 THE COURT: It is argumentative.

6 Q Nevertheless, Mr. Stasi, you told people who  
7 were inquiring of you that you got paid between \$500 to  
8 \$1000 each time, isn't that right?

9 A I was lying.

10 Q Lying to protect somebody, Mr. Stasi?

11 A That's right.

12 Q Lying to protect yourself?

13 A Not to protect me.. I was covering up.

14 Q There were four times at least that you  
15 cut heroin in an apartment in Bloomfield, New Jersey,  
16 is that right?

17 A Yes.

18 Q Joe Crow's place?

19 A That's right.

20 Q Did you ever see his wife there?

21 A She was there.

22 Q Where?

23 A She opened the door.

24 Q And would she wait in the basement while you  
25 and Crow went up?

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A No.

Q She would come right up?

A No. She used to -- I don't know if she stood down the basement or went to -- she went to her apartment upstairs.

Q One thing you are sure of is that Finnegan cut in Bloomfield, New Jersey?

A That's right.

Q And Finnegan, so far as you know, was paid approximately what you were paid for the cutting, is that right?

A I didn't know what he got.

Q You knew he got something?

A Yes.

Q And it was also three kilos that were cut, correct?

A That's right.

Q And sometimes the mannite would be in block form and sometimes it wouldn't be, is that right?

A It was block form once at his house and the rest of the times it was at my house in block form.

Q You get it in block form, is that right?

A That's right.

Q The mannite we have seen here is in block form,



1 jha

Stasi-cross

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2 is that right?

3 A That's right.

4 MR. FISHER: Excuse me a moment, your  
5 Honor.

6 THE COURT: Sure.

7 (Pause.)

8 Q I show you page 298 of our trial transcript  
9 here. I suggest you start at 297 and read as much as  
10 you would like.

11 I ask you if that doesn't refresh your recol-  
12 lection that at least one one other occasion the mannite  
13 was not in powder form at Delvecchio's.

14 A I says one occasion it wasn't in powder form.

15 Q That's all, just one.

16 A That's right.

17 Q Would you look at page 308. I ask you if  
18 that doesn't refresh your recollection that on the  
19 third occasion that you cut and mixed heroin the mannite  
20 was in block form.

21 MR. PHILLIPS: Your Honor, I object to this.  
22 There is nothing inconsistent and I don't know where this  
23 witness' recollection needs to be refreshed. He has  
24 given the answer.

25 MR. FISHER: All right. I will lay the

1 jha

Stasi-cross

633

2 foundation, your Honor.

3 Q Mr. Stasi, you testified that in all eight of  
4 the times that you mixed heroin only once was the  
5 mannite not powdered?

6 A That's right.

7 Q I ask you to look at page 308 of the trial  
8 transcript in front of you --

9 MR. PHILLIPS: Your Honor, I object to that  
10 last question.

11 THE COURT: I didn't think the last ques-  
12 tion --

13 MR. FISHER: Withdrawn, your Honor.

14 MR. PHILLIPS: He said once in New Jersey  
15 and the other times in his house.

16 May we approach the --

17 THE COURT: No, no. The reporter is the  
18 person I want at the bench.

19 (At the bench.)

20 THE COURT: Read the last question.

21 (Question read.)

22 (In open court.)

23 THE COURT: Mr. Fisher, Mr. Phillips, you  
24 want to come up here?

25 (At the side bar.)



1                   THE COURT:     The last question that was asked  
2  
3     started off "You testified that" and then continued on.  
4     It doesn't accord with my recollection of what the  
5     testimony was.

6                   MR. FISHER:     All right.     I will rephrase  
7     it, your Honor.     What I am trying to establish is that  
8     on another occasion at least the mannite was in block form.  
9     There is a reason for it.

10                  MR. PHILLIPS:    Your Honor, on direct examina-  
11     tion the witness testified the mannite was in block form  
12     once in New Jersey and the times that he mixed at his  
13     house.     On cross examination five minutes ago he testi-  
14     fied to precisely the same thing.

15                  So there is nothing to refresh his recollection  
16     about and there is no inconsistency.

17                  MR. FISHER:     I won't use anything to refresh  
18     his recollection.     Since my recollection differs from  
19     yours I will ask just about the same question.     If that  
20     is his answer, Mr. Phillips, I will go somewhere else.

21                  MR. PHILLIPS:    Mr. Fisher already asked that  
22     question and he has given the answer.

23                  THE COURT:     I will let him do it.

24                  Are you going to finish today?

25                  MR. FISHER:     No, your Honor.

1 jha  
2 THE COURT: All right.

3 There was apparently an error in the reporter's  
4 notes which I want to correct on the record, but I  
5 don't want to do it in the presence of the jury.

6 MR. FISHER: Whenever you like, your Honor.  
7 If you will just signal me, I will be happy --

8 THE COURT: I don't know how long it will  
9 take. It shouldn't take too long.

10 (In open court.)

11 BY MR. FISHER:

12 Q Mr. Stasi, referring to all of the eight  
13 occasions that you mixed heroin and testified about on  
14 direct examination, how many times in all was the mannite  
15 in block form?

16 A Four times. The fact is, Mr. Stasi, Finnegan  
17 never mixed heroin in your presence, isn't that right?

18 A He did.

19 Q Isn't it a fact that you told your interro-  
20 gators on a number of occasions that Finnegan never mixed  
21 in your presence?

22 A I don't recall.

23 MR. FISHER: Your Honor, one of the tapes  
24 has not been reduced to a transcript. I have it in  
25 a cassette form. I would like the witness to be



1 jha

Stasi-cross

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2 excused with the cassette so he can play it to himself  
3 and refresh his recollection.

4 THE COURT: No, not right now.

5 Ladies and gentlemen, it is growing late in  
6 the day. As you know, from time to time I am forced  
7 to take time out from this case to handle other matters.  
8 I told you that tomorrow we won't be sitting. Maybe  
9 I prefer that we were. I am going to the dentist to-  
10 morrow. I might be back Monday with one less tooth.  
11 However, we won't be sitting tomorrow, so I will see  
12 you on Monday.

13 Once again let me admonish you. Please do  
14 not discuss the case amongst yourselves or with anybody  
15 else or permit anyone to discuss the case in your  
16 presence. Please keep an open mind. Don't even  
17 start to form an opinion yet. All right?

18 With that, I hope you have a pleasant weekend.

19 (The jury left the courtroom.)

20 THE COURT: We have another problem to take  
21 up right now.

22 Mr. Stasi, I want you to pay attention.

23 MR. PHILLIPS: Your Honor, may we approach  
24 the bench before you proceed?

25 THE COURT: Yes, sure.

Mr. Curley, come up.

(At the side bar.)

THE COURT: I don't know what you are planning on, but I am wondering about Joe Cab and Joe Crow in the record.

MR. PHILLIPS: That is what this refers to. I think that we may have consented to the procedure of having Stasi questioned by the court outside the presence of the jury. However, it seems to me that if defense counsel and the court and the government all agree that what the witness said was Joe Cab rather than Joe Crow, that such questioning doesn't have to take place.

MR. EPSTEIN: Since there is no jury here, why can't we do this in open court on the record, so all counsel can hear it.

MR. PHILLIPS: I just don't think that Stasi should be questioned, that's all. That is what I object to.

THE COURT: The reason for the side bar is not because of the jury. It is not in any way to prompt Stasi as to which we believe it to be.

MR. EPSTEIN: I see.

THE COURT: My notes are clear.



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2 MR. PHILLIPS: Mr. Curley in the robing room  
3 at the break said that his recollection was it was Joe  
4 Cab, the 3500 material shows that it was Joe Cab, the govern-  
5 ment's recollection was it was Joe Cab. It seems to  
6 me it is just a matter of directing the court reporter  
7 to change it to Joe Cab rather than Joe Crow.

8 MR. LOPEZ: The court reporters have  
9 indicated on page 325, line 5 that it is Joe Crow and  
10 that is what their records indicate.

11 I suggest an alternate procedure. I suggest  
12 that his Honor, outside the presence of the jury, ask the  
13 witness Stasi, with a view to the defense application,  
14 to correct the record, ask if it was Joe Crow or Joe Cab  
15 that he meant, because it depends on his cross examination.  
16 In the event the jury wants the record read back we are  
17 going to have this stituation.

18 MR. EPSTEIN: Also that is the only way to  
19 get any testimony on the matter under oath. What  
20 is in the 3500 material is certainly not evidence.

21 MR. LOPEZ: Sure.

22 THE COURT: It is not 3500 material. I  
23 have my own notes.

24 MR. EPSTEIN: I am aware of that. Granting  
25 that, your Honor, that is still not evidence and it

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still leaves Mr. Curley in a bind as to confrontation.

MR. PHILLIPS: It does not leave Mr. Curley in a bind as to confrontation. He has agreed that what the witness said on direct examination was Joe Cab. The government's recollection it was Joe Cab and the court's recollection is it was Joe Cab. It doesn't leave him in a bind at all.

MR. LOPEZ: And the court reporter's recollection is that it is Joe Crow. So let's ask him.

MR. CURLEY: I would suggest that the court ask Mr. Stasi those questions and answers that appear at approximately 325.

THE COURT: All right. It's enough.

(In open court.)

THE COURT: Mr. Stasi, we are having a little difficulty with the minutes of the trial. I guess I will have to back up. At one point you were testifying about mixing heroin and putting it into plastic bags.

This is on 323, gentlemen.

You said:

"A We put it into the plastic bags. He sealed it and put 10 into the suitcase and left two behind.

"Q Did he tell you why he left two behind

"A No.



"Q What happened after that?

"A He says, 'I am going to see my man.  
You go look for Gigi and tell him everything is all right.'

"Q Did you find Gigi?

"A Yes.

"Q Where was he?

"A In the Blue Lounge.

"Q And did you tell him everything was all  
right?

"A I told him everything was all right.

"Q What happened to the two bags that were  
left behind.

"A Well, it was about 10 o'clock at night.

"Q The same night?

"A The same night. I was in the club.  
This Joe Cab had walked in. He says to me, 'Where is  
Gigi?'

"I says, 'Why? Are you supposed to meet him?'

"He says, 'Yes, I am supposed to meet him at 10  
o'clock.'

"I said, 'Well, if you have got to meet him  
I will be here.'

"He and I started playing cards for a little  
while. Gigi had came in. When he came in he told

1 jha

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2 me, 'Go get a half a kilo at the apartment.'

3 "Q Now, Mr. Stasi, did this occur at the  
4 same night with Joe Crow or another night?

5 "A The next night."

6 I assume you don't want me to read objections  
7 and rulings on them.

8 "Q What did you do then?

9 "A The next night I went to the apartment,  
10 brought it back and Gigi put it in the kitchen."

11 All right?

12 THE WITNESS: Yes.

13 THE COURT: Now, did you see somebody walk  
14 in the kitchen after that?

15 THE WITNESS: Yes, I did.

16 THE COURT: Who was that?

17 THE WITNESS: Joe Cab.

18 THE COURT: All right. The court re-  
19 porter is directed to change page 325 of the record to  
20 show that the answer, in accord with my notes, with the  
21 notes of at least some of defense counsel and the notes  
22 of the government, should read that Joe Cab walked in the  
23 kitchen and then walked out of the Social Club and not  
24 Joe Crow.

25 THE WITNESS: That was an error, your Honor.



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2 THE COURT: All right.

3 MR. FISHER: Your Honor, before Mr. Stasi  
4 leaves, would your Honor make the appropriate  
5 instructions with regard to discussions with government  
6 agents, having the witness in the middle of his cross  
7 examination.

8 THE COURT: I don't really thing it is necessary  
9 I gather he is going to be solely with government agents  
10 and they at this point should have been instructed as to  
11 exactly how to conduct themselves. I would assume that  
12 they will.

13 Mr. Stasi, go ahead.

14 Mrs. Rosner, at various times through this  
15 proceeding your client has been shouting out, making ob-  
16 scene gestures, and all the rest of it. I want it  
17 stopped. I recognize that he is sitting behind you.  
18 Perhaps you don't even know what is going on. However,  
19 I would appreciate it if you would explain to him exactly  
20 what will happen to him if he is held in contempt,  
21 and I assure you that so far he has been contemptuous. I  
22 am not making that holding right now.

23 All right?

24 MRS. ROSNER: I will, your Honor. As long  
25 as I am standing here, Judge, may I make an application.

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2 THE COURT: Mrs. Rosner, I haven't seen the  
3 day yet when you haven't made one. Don't break your  
4 record.

5 MRS. ROSNER: I thought I would not  
6 bother to sit down and get up again, Judge.

7 Earlier in the day I started to make an  
8 application and your Honor indicated that since it was  
9 in the nature of a housekeeping one it would be done at  
10 a different time. Before I forget, Judge, I would  
11 like to make it.

12 I can foresee, your Honor, serious procedural  
13 difficulties with going up on a record when much of the  
14 3500 material is in tape recorded form. Frankly, I  
15 think it would be a great imposition on the Court of  
16 Appeals to ask them to listen to them to determine whether  
17 it was appropriate not to turn them over to counsel.

18 In line with that notion, your Honor, I would  
19 suggest and would move to have the court reporters tran-  
20 scribe the tapes which have not been deemed 3500 material --  
21 if necessary, your Honor, it can be done at the expense  
22 of the defense -- so that in the posture of an appeal  
23 we will have matter which is easily digested by the Court  
24 of Appeals. I would suggest that the transcripts be  
25 sealed so that there is no problem with revealing to



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2 counsel by an indirect route that which has been denied  
3 directly.

4 THE COURT: Mrs. Rosner, I am sure that the  
5 Court of Appeals would greatly appreciate your concern  
6 for their eyes and their ears. However, the time for  
7 doing that will be after the trial is finished. I don't  
8 want to put anyone to a needless expense and it might be  
9 putting you and your co-counsel to needless expense.

10 MRS. ROSNER: I take it then that your  
11 Honor will grant that application at such time --

12 THE COURT: If it becomes necessary, sure.  
13 Yes, Mr. King.

14 MR. KING: Judge, I noticed that you are  
15 busy taking notes all day and are hardly in a position  
16 to observe No. 12 the way I was.

17 THE COURT: Believe me, Mr. King --

18 MR. KING: I am constrained to report to you  
19 that I was watching her and in view of your Honor's  
20 observation of the jeopardy we have been placed in by my  
21 calling it to your attention I again respectfully urge you to  
22 remove her.

23 THE COURT: I have been watching her. I  
24 have. I will make up my mind. I am watching, I as-  
25 sure you.

1 jha  
2 The reason I seem to be taking notes at all  
3 times or have my hand on my face is because I do not  
4 want to in any way affect the jury with what I might  
5 consider, you know, that I might have an opinion, and  
6 I don't want to take a chance.

7 MR. KING: It would seem to me, Judge, as  
8 I have been observing, that she was drowsing also today.  
9 I could be wrong, but that is the observation I made.  
10 It is just my hearing that is defective and not my  
11 eyesight.

12 THE COURT: I am sure your sight is twice  
13 as good.

14 All right, Mr. Curran.

15 MR. CURRAN: Your Honor, three items, if I  
16 may. No. 1, I have been watching Juror No. 12 from  
17 time to time today and, for the record, I have not seen  
18 her sleeping or drowsing.

19 No. 2, your Honor, at 3:27 p.m. by that clock  
20 behind me, your Honor -- and this is for the record, --  
21 when Mr. Stasi was answering a series of questions,  
22 "could be more, could be more," questions of Mr. Fisher's,  
23 a voice behind me and slightly to my left said, "What  
24 a liar," and I suggest, your Honor, that these editorial  
25 comments are not only out of order, but something more than



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that. Of course, any defendant who wishes to  
testify under oath will have ample chance to do so, hope-  
fully, in the same position as Mr. Stasi.

Finally, your Honor, I would like to mark,  
which we did not before --





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2 THE COURT: By the way, I have a way of taking  
3 care of that one.

4 Go ahead.

5 MR. CURRAN: These were marked in the record,  
6 your Honor, but not formally marked by the clerk.

7 3521 is a two-page report, debriefing report,  
8 of Primrose Cadman.

9 All these, of course, were furnished to defense  
10 counsel.

11 3502, your Honor, is Miss Cadman's grand jury  
12 testimony of April 11, 1973, and 3503, your Honor, pages  
13 1, 3, 4, 5 and 6 are the notes of Mr. Feffer, and one of  
14 those pages is notes of Mr. Sabetta of the United States  
15 Attorney's office, all of which were turned over to defense  
16 counsel.

17 THE COURT: They were marked. Just put the  
18 stickers on.

19 All right.

20 Now let me once again admonish particularly the  
21 defendants, but also counsel -- I don't particularly care  
22 to see people straggling in after the time court is  
23 supposed to start, particularly those defendants on bail  
24 right now. I want you to be here before 10 o'clock so we  
25 can start at 10 o'clock on Monday. I hope everybody under-

stands that.

Yes, Mr. Richman?

MR. RICHMAN: Your Honor, I have an appointment before Judge Lasker on Monday at 10 o'clock. Mr. Rosenbaum will cover for me, with the consent of my client.

MR. SCHWARTZ: I do, also, and I have asked Mr. Dowd to cover me.

MR. CURLEY: I have an appointment at 10 o'clock before Judge Kaufman, and I have asked Mr. Lopez to cover for me.

THE COURT: I assume your clients consent.

MR. SEGAL: Your Honor, I understand that three tapes of Mr. Pannirello and one of Profita have been transcribed and that transcripts are going to be furnished by counsel. I have a concern with those tapes because of a statement made by Mr. Phillips some time ago that there is no reference on any of those tapes to my client.

I have listened to those tapes, under somewhat adverse circumstances, and I find that statement was not altogether accurate.

I would like to be assured that those transcripts will be furnished to counsel in time, that is to say, before the testimony of those witnesses.

MR. PHILLIPS: Your Honor, I think that Mr. Segal



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2 is mixing up a statement by me whether or not his client's  
3 voice appears on any of those tapes. I don't think I ever  
4 made a statement that his client was not referred to by the  
5 people who appear on those tapes.

6 THE COURT: I gather that the rush right now on  
7 transcripts -- are all Stasi's tapes transcribed?

8 MRS. ROSNER: Yes, your Honor. The last one  
9 was turned over this morning.

10 THE COURT: The problem there is the reproduction  
11 which I have required the government to make. I should  
12 guess if it gets to be a serious problem --

13 MRS. ROSNER: Your Honor, other counsel don't know  
14 that I turned over to the government this morning what I  
15 think are numbers 1, 2 and 3 Pannierello transcriptions,  
16 which is in the form of one transcript, and that was done  
17 this morning, your Honor.

18 THE COURT: All right. I assume that they will  
19 be Xeroxed or reproduced in some form.

20 MRS. ROSNER: Yes.

21 THE COURT: All right. If you want to chat, do  
22 it later.

23 MR. WARNER: Your Honor, just so the record can  
24 be clear, all of the Stasi transcripts have not been sub-  
25 mitted to the Court. I am having prepared a transcript of

the second half of tape number 515, and I will have it on Monday, as a matter of fact.

THE COURT: All right.

MR. LOPEZ: Your Honor, just one last application, hopefully.

In behalf of those defendants who are in jail, I understand that a group of them wish to confer with their counsel in the courtroom ten minutes ahead of time. May the marshals be instructed to bring the defendants up ten minutes to ten?

THE COURT: If they are in the building.

MR. LOPEZ: If they are in the building.

THE COURT: The difficulty with the problem -- the real problem here is the matter of transportation that the marshal has to face going back and forth from West Street. It is one of the reasons why the GSA is building a new building outside.

If the marshals can arrange to have them in the building ten minutes before, certainly they can bring them up here to this holding pen in back of the courtroom. There is no problem about that. But, Mr. Lopez, your trust in me is great, but I assure you I cannot control the traffic in the City of New York.

All right, ladies and gentlemen. I will see you Monday morning.

(Adjourned to February 4, 1974, at 10.00 a.m.)



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